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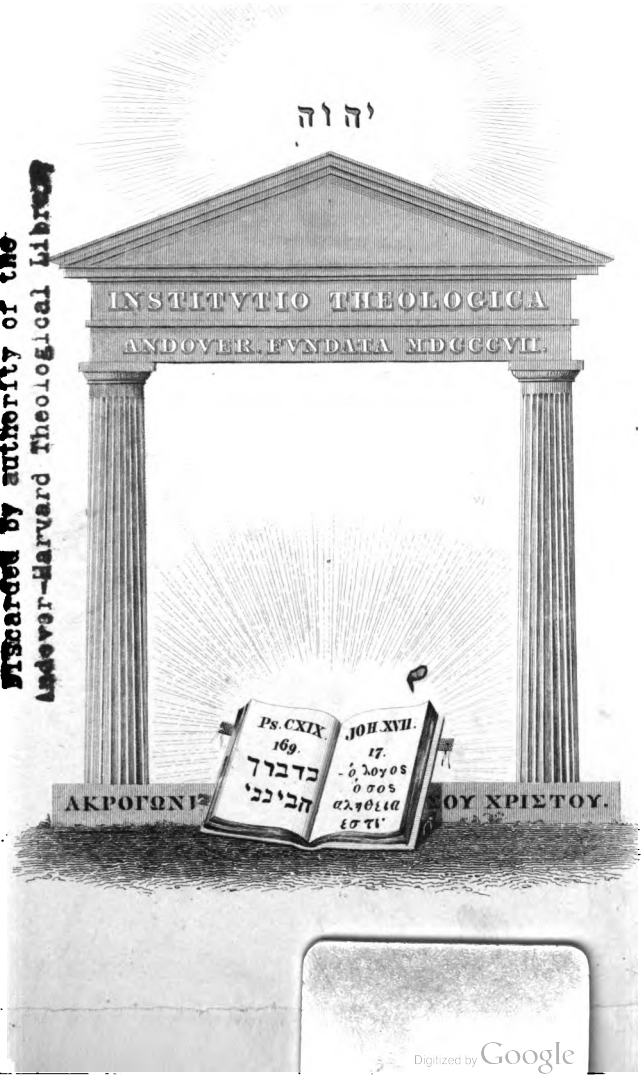

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MEDICAL TESTIMONY AND EVIDENCE IN CASES OF LUNACY;

BEING THE CROONIAN LECTURES

DELIVERED BEFORE THE ROYAL COLLEGE OF PHYSICIANS IN 1853.

WITH AN ESSAY ON THE CONDITIONS OF MENTAL SOUNDNESS.

By THOMAS MAYO, M.D., F.R.S.

FELLOW OF THE ROYAL COLLEGE OF PHYSICIANS, LATE FELLOW OF ORIEL COLLEGE, OXFORD.

LONDON

JOHN W. PARKER AND SON, WEST STRAND.

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IN offering to the public these detached contributions to a very important subject, I am influenced by an impression, that in spite of the labors of many able men the subject itself is in an inchoate state; and that many similar tentamina must be made, before its condition will justify an attempt to embrace the whole.

With respect to the Lectures now published, if they contribute to promote a clearer understanding between courts of Justice and medical witnesses, than at present exists, they will so far have achieved a desirable object. But in the course of my inquiries I have been led to certain conclusions, for which I cannot expect a cordial or immediate reception from either of these parties. And I propose to state in the outset, what these conclusions are; in order that my less adventurous speculations may be viewed as distinct from them, and tried for their own deserts.

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The first of these conclusions concerns the ambiguous and, as I think, mischievous nature of some doctrines suggested by the term 'moral insanity' or certain synonymous expressions.

The second arises out of the question, whether some offences of the insane ought not to be visited with some form of secondary punishment.

The third of these conclusions is in favor of the extension to criminal cases of that practice which actually prevails in analogous civil cases, as in commissions *de Lunatico inquirendo*, of the examination of the party, whose mental state is in question, in presence of the Jury and the Court.

THOMAS MAYO.

56, *Wimpole Street*,
October 20th, 1854.

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ON MEDICAL TESTIMONY

AND

EVIDENCE IN CASES OF LUNACY.

LECTURE I.

Legal Division of the Subject of Diseased Mind.—Lunacy, the Generic Term; Insanity, Idiocy, Unsoundness, being Species, varied by the Act of 1853.—Insanity considered in its Relation to Delirium; this having Two Forms, viz., Incoherency, or Inconsecutiveness, and Delusion.—Two Forms of Delusion, viz., Objective and Notional.—Cases illustrative of the Application of these Forms of Delirium as Tests of Insanity.—Delirium Tremens legally considered.—Doctrine and Practice of the Law in Reference to Lucid Intervals.—Dr. Rae's Remarks on this Subject considered.—Lord Brougham's Judgment.

I HAVE formerly endeavoured to investigate the general subject of medical proof. In my present Lectures, I propose to offer some remarks on the noblest of its departments, the pathology of Mind; and on that in its noblest phase, where it is brought into contact with great judicial questions. The circumstances of the time recommend the subject for consideration; for it is certain, that, while, on the one hand, the

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Medical Profession holds in its hands the learning and the experience of this subject, on the other the members of it often find themselves in a very unenviable position while informing Courts of Justice by their evidence. I believe, indeed, that I shall obtain the assent of experienced Practitioners, when I affirm, that, in a large number of instances, it is difficult to certify that a patient requires coercion or surveillance, without incurring the risk, that he may be returned into the hands of his family, before the conditions of his recovery are completed, under a different opinion entertained by the officers whose duty it is, and who conscientiously perform that duty, to visit the receptacles of such patients.

Before I enter upon the topics from which, and the means by which, we are enabled to prove or to disprove an abnormal state of mind, (I use this term as involving no hypothesis) it appears expedient carefully to weigh the terms —drawn, indeed, from our own vocabulary, but prescribed by the Legislature—expressing the abnormal states of mind for which the Medical

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Practitioner is empowered to place a given person under surveillance or coercion; the more so, as these abnormal states must be the same in kind as he may have at another time to prove or to disprove as a witness, either in a civil or criminal point of view.

It has been most frequent, in this kind of inquiry, to lay down the doctrine of the subject, and to confirm it by decisions arrived at on certain facts. The practical nature of my purpose leads me to start rather from the latter point; to adopt the decisions of the courts and the legislature, whether conveyed as dicta, or embodied in positive rules; and to explain the rule by, or bring it in contact with, the doctrines prevalent on the subject among adepts or experienced persons.

The individual, in whose case the law sanctioned restraint or confinement under a medical certificate (previously to certain changes in terms, to which I will presently advert), must be a 'lunatic, or an insane person, or an idiot, or a person of unsound mind.' And here let me premise, that the force which I must attach to

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these terms is conjectural, grounded on the supposition that they cannot be considered synonymous, and, consequently, must be the heads of a division, whether vague or complete, to which I assume the meaning which I assign to each term bears as near an approximation as can be made at present. The first of these expressions, then, I must presume to be generic, and to contain as species the other heads of the enumeration, though I admit that this interpretation seems to demand a different structure of the sentence. The selection of 'lunatic' as a generic term is evident; for whether the patient be an insane person, *i.e.* one whose intellect is perverted, or an idiot, *i.e.* one whose intellect is abolished, or an unsound person, whom I shall presently describe, the writ has run *de lunatico inquirendo*, and the Commissioners who watch over his proper management are Commissioners in Lunacy. But, conceding this generic force to the term lunacy, and that the other terms indicate its species, I am entitled to suppose that insanity is as much intended to form a distinct species from unsoundness, as it unequivocally does from

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idiocy. This distinction is, I may add, recommended by the subject-matter, which is constantly claiming it, or some equivalent distinction, as a means of judicial diagnosis in certain cases of incompetency, of which neither insanity, nor any synonym of insanity, can be affirmed. Such was the bearing of a case which last year attracted painful attention—the case of Mrs. Cummins. A host of witnesses were adduced to disprove the imputation of insanity; a host of witnesses stepped forward to prove that she was incompetent to manage her person and property. The first set of witnesses seemed to think that the case turned upon their evidence; the second set were justified, conformably with the distinction which affirms that a person may be unsound in mind without being insane, in demurring to this conclusion. The attention of the jury was called by the learned Commissioner to the law laid down by Lord Eldon, conformable, I may observe, with a distinction of this kind, and the plea of mental disease was accepted, in spite of the disproof of that particular form of it which is termed insanity. Now, as Mrs.

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Cummins certainly was not idiotic, this form must have been, or ought to be, according to the terms of the certificate, unsoundness. I shall have to consider this case more at length, when I shall have arrived at the subject of unsoundness, as one of the heads of my division. The case itself certainly involves grounds for a more than merely verbal distinction. At present I will venture to assume that insanity is predicated, or predicable, of certain states of perversion of mind in which delirium is present; that unsoundness is the expression by which certain other forms of perversion or of weakness may be distinguished, in which there is incapacity to manage person or property, in the absence of any distinct evidence of delirium, while, again, the term idiocy cannot be applied to them, which are, in short, exceptional cases to the two great heads of mental disease—insanity and idiocy. I feel that I shall not enlighten my hearers by offering any definition of idiocy. I shall, in another lecture, describe it in reference to the points in which medical witnesses have to consider it.

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Whatever may be thought of the meaning which I have suggested for the above distinctions, it is necessary to include them here, as contained in all 'medical certificates' up to the 26th of August, 1853, and thus as having operated on a large proportion of cases of abnormal mind at present under surveillance or restraint. Nor is it difficult to trace, in the nomenclature of the Act then passed, an intention to maintain similar distinctions. In the recent form, however, of medical certificate, there is apparently no generic term expressive of abnormal mind in all its relations; but it is at once supposed that A. B., the subject of the certificate, is a lunatic or an idiot, or a person of unsound mind. I shall here, then, presume the word 'lunatic' to be used as equivalent to 'insane' in the former Act, and 'idiot' and 'unsound' to mean precisely what I have supposed them to mean under that former Act. The mode in which the principles and science of mental pathology have to be applied to judicial distinctions is indeed somewhat remarkable. It has pleased the Legislature to associate certain

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judicial powers with certain medical designations in a certain not very exact sense, so that they bind or loose those of whom we predicate them, or to whom we refer them in civil matters; or, again, are accepted on the same authority in courts of justice as expressing an exculpatory or mitigatory plea in criminal matters. Meanwhile, the question is reserved to themselves by the Court, whether we, as medical officers or witnesses, adhere to that sense of the above terms, in which we have been understood by the law to use them, or with which recorded decisions of courts of justice, assisted by our evidence, has stamped them; and it is to be observed, that a non-adherence to this rule materially tends to vitiate our evidence. Thus, when the medical witness indulges in peculiar and fanciful views, as when, in the course of his evidence, he expresses an opinion, that not only the person in question, but all mankind, are more or less mad, he is evidently giving a non-judicial force to the term, which is intended to specify a class, and his evidence must go for nothing.

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There is another view of the position of the medical witness in relation to courts of justice, which deserves more attention than it always receives. He is summoned in such courts in order to enable the judge and jury to arrive at certain practical conclusions, by virtue of his applying certain terms to which, as we have observed, a given meaning has been annexed, or negativing their application to the person under trial or examination, according as the matter be civil or criminal. But, in the latter case, he must remember, that he is not deciding upon the penal consequences contingent on the opinion thus given, for although certain consequences of this kind may follow in the course of law if his assignment of opinion be accepted by the court, it is wisely considered, that a simple fact, and not its consequences, is the question proposed to him, since it will be presumed, that if the latter consideration be also entertained by him, it will be liable to bias his evidence on the fact which is his legitimate topic. In this way, I understand the suggestion occasionally made by the court to the medical

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witness not to encroach upon his functions and those of the jury. It is obviously in criminal cases that the bias thus occasioned is most to be dreaded. Thus, the definition of insanity becomes very expansive, when its expansion may become protective to a criminal with whom we happen to sympathise. And if we permit ourselves to entertain the judicial question, Is A a responsible agent? instead of confining ourselves to the medical question, Is A insane? we are liable to find ourselves enlarging our description of the disease in favour of some one who possesses equally, as we think, with the insane, that element of character and external circumstances, on which alone we argue that their impunity is or ought to be based. Thus, an elaborate argument may easily be constructed, proving that the offspring of the prostitute and the thief, devoted to infamy by the one, and educated to crime by the other, is equally deficient in freedom of will with the homicidal monomaniac; and when the medical witness, having permitted himself to stray into this question, has achieved this conclusion, he will easily

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discover eccentricity enough—for brutal vice is an eccentric state—to enable him to adopt for his client the term 'morally insane.' I shall presently have more to say on the subject of this term.

In respect to the error against which I have just addressed a caution, and generally in respect to our functions as medical witnesses in cases of mental disease, we have to bear in mind one heavy impediment, which the world opposes to our efficiency, and which we must ourselves obviate as well as we can. It is a part of the enlightened policy of the present age to throw widely open the subject of mental disease, and to give publicity to its details for the benefit and protection of the patient as well as of society; and the Legislature expects a sufficient acquaintance with this subject in all the medical faculty to enable all its members to fill up the certificate which attests the presence of such disease. Meanwhile, the public here interposes a more selfish policy, to the prevention of our obtaining that amount of knowledge which may fit us for this arduous duty, by making the acquisition of

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such knowledge a source of danger. He who is known to have given much attention to this branch of pathology, is liable to be excluded, on that account, from practice in every other, as if all diseases were not in some sense conterminous. The consideration is a grave one, and can be antagonised only by increasing liberality in the opinions of the public, and by a high sense of duty in the Profession, instructing us, as we cannot waive the performance of the duty, when called upon to certify or negative the presence of such disease, to fit ourselves for this function by practice as well as by study.

Insanity or lunacy, idiocy, and unsoundness, are, then, the judicial terms for abnormal states of mind, which, in their purely medical relation, admit of cross divisions, and fall under other heads. But these being the expressions contained in the formula, by which the existence of abnormal states of mind is certified, I now proceed to inquire into the sense in which we may apply these terms so as to facilitate the decisions, and to comply with the intentions of courts of justice, thereby also avoiding an evil, which often besets

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us in such places, that of mutual misunderstanding between the two professions.

INSANITY.

'All states of mind,' says Mr. John Stuart Mill, 'are caused either by states of body, or by other states of mind.' Both these causes have to be considered by us, when it is a question of medical treatment in cases of mental disease. But when we are called upon not to propound the treatment of such cases, but merely to certify their reality, the physical phenomena, on which they may depend, are not fairly within the cognizance of the audience addressed, and our reasoning, as drawn from this quarter, will, generally speaking, have little, or uncertain, effect. Now, in looking for a term which may contain the essential mental elements of insanity, and, therefore, confer a criterion of its presence, I adopt delirium, as used by M. Pinel and Dr. Cullen. I do not affirm that all delirium is insane; there is a delirium of fever and of phrenitis, and again of simple irritation, which have specific differences, whereby we can distinguish them from that of insanity,

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though I do not think it advisable that this question should be entered into *by us* in a court of justice or in filling up a certificate. Estimating delirium thus, I propose to give some account of it, such as it is, when it justifies our giving the title of insanity to certain phenomena which otherwise would be called oddity or eccentricity, or perverted and inordinate tendency, or orgasm.

In the whole of this discussion it must be borne in mind, that a great unanimity may exist among experienced observers as to the presence of certain mental states, characterised by certain generally accepted names, which states, at the same time, it would be very difficult to describe in any form of words, insomuch that the undefined name, in the use of which experienced men are agreed respecting these states, will convey to all a more clear and distinct impression than any attempt at definition or even description. There is no term which lays claim to this admission more than delirium; and it may seem strange, that with the consciousness of this fact, I should venture to explain that term, instead of leaving it to the conceptions of my hearers. In doing this, I

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shall at all events endeavour to confine my hypothesis within the circle of commonly received opinion. Delirium is generally contemplated as involving two conditions in this sense, that one of them must be present in every delirious person, both being generally present. The first of these conditions is a negative one. It is the absence of that control over the rise and succession of thoughts which exists in the sane mind, and co-existent with this, a state of ill-associated and incoherent thought. It must be admitted, that in the sane state we cannot peremptorily command a thought to spring up in the mind, for this would imply that it has sprung up already; but we can, as Stuart observes, by an operation of the will, give such a direction to the associating process as may secure the presence of the class of thoughts which we wish to have before us. Not only is this control over the rise and production of thought absent under the circumstances supposed, but also the power of the will over the succession of thoughts is impeded. In other words, the associating process acts independently of the will. To estimate this, we must estimate

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the state which precedes actual delirium in persons in whom insanity is making gradual advances, when they have as yet only obtained the epithet eccentric. At this period, when the power of the will is still possessed, an attentive observer may perceive, and the unhappy patient sometimes feels, how heavily it is taxed and overweighted in its exertions to maintain a normal series of ideas. The principle on which that perturbation depends, which ends in the withdrawal of this influence of the will, is unknown to us. What approximation to such knowledge may ultimately be made through careful observation is uncertain. It may be helped by listening to the soliloquies of the insane; it may also result from attention being given to the (overheard) conversations and intercourse of the insane with each other. They seem to go along with and understand their own class wonderfully well. Once, indeed, when I was inspecting the Asylum of Mr. Newington, at Ticehurst, it occurred to me to obtain a clue to the abnormal associations of a gentleman there confined, by consulting another gentleman confined in the same house, as to

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his present state. The lunatic thus consulted by me, averred the fact, and enabled me to ascertain it, that his chum still laboured under his disease, which was a question of great difficulty both to me and the visiting magistrates. With man in his normal state, the insane have little, or at least diminished sympathy, in the true sense of the term, i.e. they do not place themselves in the position of the sane, or estimate the fitness of ideas in any reference to the extent to which such persons can go along with them in those ideas. Still they are sometimes able to recognise the fact, that, as concerns the rest of mankind, they are contemplated, and must consent to be treated, as a class apart. This idea was oddly developed by an incurable chronic patient at the above Asylum, who one day, on my visit of inspection, furtively slipped into my hands a paper, in which he had with no slight ingenuity described what he considered the state of the Asylum; the case being stated by him, ingeniously though incoherently, as if Mr. Newington and his family, attendants, etc., were really the unsound and incompetent inmates,

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and the lunatics confined were certain distressed ladies and gentlemen who had fallen into their hands, and were called insane.

It has often appeared to me that the incapacity for silence observable in those insane persons who are not melancholic, throws some light on the phenomena of their deportment. Let any one who wishes to estimate this incapacity in its relation to the incoherency and inconsecutiveness of insane delirium, watch the succession of ideas in his own mind, and then fancy himself compelled to give utterance to every one of them as it comes uppermost. He would find his resemblance to a man under the delirium of insanity greater perhaps than he would wish to think it. I apply this remark to insane delirium, and in doing so I endeavoured to draw some line between it and the inconsecutiveness of fever and simple inflammation of the brain and its membranes, to which he will find no such affinity in his normal state. The entire diagnosis between these forms of delirium, I do not pretend to lay down. Here the physical symptoms of the case must come into consideration, and be taken on

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the authority of the medical witness, whether as giving evidence or as signing a certificate.

In the above remarks, I have endeavoured to pourtray that element of the delirious state which expresses itself by incoherency and inconsecutiveness. Of its relation to unsoundness, as distinguished from insanity, I shall have to speak in another part. In respect to idiocy, I may here observe, that the incoherency of that state is distinguished from the same property in the insane in various ways. The ideas of the idiot are few in number, besides being unconnected. Short sentences, or portions of sentences, are endlessly repeated by him. Under this mode of delirium, in insanity, an intelligent looker-on might observe, or conceive, that if some controlling power could be applied or restored, the patient might judge normally, while, in the corresponding state in idiocy, no such hope is suggested; the machine is spoiled, as well as the manager deposed. The inability to compare his ideas, imputed to the insane by Dr. Conolly, is mainly the result of this simple abstraction of power, of which the unhappy sufferer himself is

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sometimes observed to show a wavering and partial consciousness. United with the incoherent state, which I am describing, there will assuredly be motiveless and inconsequential conduct, and this, in many taciturn, reserved, and abstracted persons, not only is coincident with it, but also suggests the first suspicions of its existence.

The second phase of delirium consists in the presence of certain delusions, or false perceptions, of which there are two principal forms.

1. The delusion may simulate a perception of the special senses; it may, in this case, suggest, as absolutely and undoubtedly real, persons, forms, and sounds, which have no objective existence, and obtain implicit credit with the percipient, whether sight or hearing is appealed to in evidence of the hallucination, as this is often called. These I shall call objective delusions.

2. The delusion, or false perception, may have no direct reference to objects of sense, but may apparently turn on perceptions of the understanding alone, thus embracing a large and, I regret to say, indefinite category, which contains preposterous notions, respecting power,

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station, conduct, moral motives, future prospects, etc. Thus the patient is in idea an Emperor, or perhaps a divinity; and, even while he is submitting to the rules and establishments of an asylum, he believes himself possessed of unbounded wealth and power; others, meanwhile, he thinks, are conspiring against him, and threatening his life. For the class of false perceptions here referred to, I am compelled to appropriate a term which may designate their intellectual character, and will call them notional. They bear the same relation to the understanding which the delusions first described by me bear to the special senses; and it is to be observed, that, in many of these cases, the delusion shall appear to engage the special senses when careful scrutiny will detect the fact, that the patient sees or hears truthfully, but puts a false construction upon what he sees and hears. Thus, in Mr. Percival's singular monograph of his own case, the imaginary personages are justly appreciated, in form and appearance, as servants of the asylum; that is to say, the divine or preternatural beings whom he esteems them to be in reality, have, in

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his opinion, assumed such forms. Now, out of these notional delusions, some declare their own abnormal character immediately and plainly as delusions of the special senses or objective delusions, and the medical witness finds no difficulty in attributing them to delirium; but there are also some notional delusions eminently calculated to put his sagacity to the test, as not being separated by any well-marked line from other delusions or mistakes of which it would be impossible to predicate insane delirium, or insanity, or lunacy, according to the practical intentions to which these terms are subservient. Thus the fixed conviction of the unhappy artist, Dadd, that his father was his bitter enemy, which terminated in parricide, was previously separable by no definite line from the large category of unreasonable hatreds, the growths which fungate in depraved minds—I say by no definite line, for I conceive that there had been a strange oversight here in respect to other less indefinite symptoms, which might have forewarned his unfortunate father.* But compare this case

* See Appendix A.

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with Mr. Haslam's account of another lunatic, Matthews, and the singular creations to which his distempered fancy gave birth, and which he saw, on the retina of his mind, constantly employed in the tasks which his fancy had assigned them. The line which separates these imaginings from all but the imaginings of the insane is sharp and clear. Yet it may be truly affirmed, that Dadd was not less delirious in his own sanguinary delusion than Matthews; but the former case did not similarly unfold itself.

I have thus, under the heads—first, of inconsecutive and incoherent thought; secondly, of certain delusions, endeavoured to trace the form and outward symptoms by which insanity is recognised in kind, though with infinite varieties of the degree in which each element is developed.* But what is the pathology, and what has taken place, when this fearful consummation is worked? I have little to say in answer

* For the symptoms which precede these distinctive manifestations, I might refer my readers to many able writers on the *general* subject. I have myself endeavoured to pourtray them in the 'Elements of the Pathology of the Human Mind.'

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to this question. If analogies can throw light upon it, they must, perhaps, be sought for in the history of dreaming and intoxication. It has been said of dreaming, that it is constituted by a suspension of the will, and by the resulting confusion, through which conceptions of the imagination are mistaken for perceptions of the senses. Certainly, if one could give permanency to a state of simple intoxication by alcohol, and add to it these latter attributes, a state would result not very distinguishable from insanity. So much for the obscure light of analogy. In respect to the actual changes which may be worked in the human being under insanity, it must be remembered by those who engage in this arduous enquiry, that they may be contemplated as concerning our immaterial phase of being in a light much more exclusive of that afforded by physiological consideration than we are accustomed to assume. That there should be a disease of the mind in the abstract, that such disease should work changes in us, viewed in this light, analogous to the physical changes of our bodily organs, is neither unnatural nor

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inconceivable. A parasitical growth—if, for want of a proper term, I may borrow this epithet from physical speculation—may take place under such disease, itself possessing vital functions and energies, but having no other relation to matter than the obvious one on which the tenure of our present life is based, namely, that we have an immaterial and a material being indissolubly bound together for the duration of that life, while, for anything we know, the immaterial element may be just as subject to its proper affections as the material one is. We are accustomed to overlook this truth under the peculiar evidence, which we have on the two subjects of body and mind (at first sight most favorable to the reality of the former), and always to figure to ourselves the immaterial under certain attributes of the material. We forget, that since we can really contemplate body as distinct from mind, e.g. in the phenomena of secretion, digestion, etc., nothing need hinder us from *conceiving* the immaterial entity as similarly distinct *from*, though united *with* matter. The above remarks may, at least, have a wholesome ten-

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dency to keep before us in our speculations the immense fund of mental disease that may exist, inappreciable through any knowledge that we at present possess of phenomena so little capable of being made the subject of experiment, or even observation, as those which I am supposing.

In dealing with the two grounds which I have recently considered, for imputing insane delirium, namely, the presence of inconsecutiveness of thought, and that of certain delusions, how does the medical witness conduct his inquiry and arrange his evidence? He makes, or he ought to make, each of these elements throw light on the other. Where incoherency and inconsecutiveness exist, there is little difficulty. Continual inconsecutiveness, I believe, involves the presence of morbid delusions, *i.e.*, is sure to produce them; and is, therefore, the most important element in the proof of insane delirium. Sometimes, however, where natural talent and a cultivated understanding retain their influence on the insane mind, the diagnosis becomes very difficult. It may then be enabled so far to observe the normal order of thought, as to give

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what are called rational answers. It can associate the idea of personal inconvenience and unfitness with certain sequences of thought expressed in words, so as to avoid such expressions. Delusions are kept concealed by the patient, or may themselves be ill-marked examples of the notional kind. It here becomes difficult to obtain evidence that may justify a certificate of the insane state; and yet the refusal of a certificate may be full of danger to life, to property, and to domestic comfort.* Here the evidence of incoherent and unreasonable conduct, always present in the insane state, but not peculiar to it, must eke out the defects, though it must not supersede the application, of the intellectual criterion of insanity. But I need not say, how much the tact of an experienced medical enquirer will avail towards making out a latent delu-

* This danger is materially obviated in the Act of 1853, admitting, into the evidence of insanity which is to be expressed in the certificate, 'Facts indicating insanity communicated (to the certifier) by others.' An admission of this kind was contained in the body of the former Act, but not in the schedule of the certificate.

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sion where none have been previously discovered, and where no evidence of delirium is attainable, so far as conversation is concerned, through the presence of incoherency. It was thus, in the early part of this century, that the ingenious Mr. Haslam evolved and luminously exposed an immense and systematic delusion in the mind of Mr. Matthews, a lunatic placed in Bedlam by the parish officers of Camberwell, and presumed by Dr. Birkbeck, and also by his own relations, to be unjustly detained there. It would appear that, in repeated conversations, these persons could obtain from him no evidence of incoherency or delusion; whether his freedom from the first state—for he was at all times coherent in conversation—blinded Dr. Birkbeck to the possible existence of delusions, or that eminent physician failed to obtain a clue to those of Matthews, extensive and complicated as they actually were. Now, the non-detention of Matthews, on the ground that he was recovered, was likely to have involved serious mischief, for he appears to have been, in fact, a very dangerous lunatic; yet the affirmation of his persis-

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tent insanity by Drs. Powell, Foart, Simmons, Ainslie, and Pepys might have failed to satisfy the convictions of a jury in the absence of specific proof of delusion, such as was obtained by Mr. Haslam.

The pen of the insane sometimes brings to light their incoherency and inconsecutiveness, which have been far less apparent in their conversation. I know, indeed, no better study of the peculiar articulations by which the insane mind fastens together the disjecta membra of thought, than the monograph of Mr. Spencer Percival has afforded me.

Among the recent cases of questionable insanity, none have attracted more attention than that of of Colonel Dyce Sombre. Those who, in the year 1848, maintained the persistence of his insane state, (his general management of his own affairs being confessedly sane and consistent, his conversation coherent and consecutive), had to depend for their proof upon the supposed presence of some delusion or delusions. Of hallucinations, that is, sensible false perceptions (my first head) they had no proof; at least, the small

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attempt at proof utterly broke down. But there was one persistent error of thought, which *might* constitute a notional delusion, such as I have described as indicating insanity; and the question was, what did it amount to? Was it a delusion only in that popular sense of the term, in which every one who is mistaken may be said to be deluded, or was it an insane delusion? I am not introducing this case with a view to its discussion as a whole, but merely as in this point illustrating a great difficulty, which overhangs the subject of diagnosis in mental disease. With *objective* false perceptions there is comparatively small difficulty, provided they are believed in as real by the percipient; there is far greater difficulty with the mere subjective notional delusions; and I fear I must not aspire to rescue this part of my subject from the domain of empirical tact, or place it on a scientific basis. The question on which the case of Dyce Sombre turned in the inquiry ordered by the Lord Chancellor in 1848, was, whether a certain notional delusion which had sprung up in his mind, while he was confessedly insane, and which still maintained its

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hold, was a proof of persistent insanity. Now this question was divisible into two parts, both highly deserving our attention. 1st. Whether the delusion was essentially an insane one; in which case its persistence without any other evidence of insanity would be conclusive against the sanity of the patient. 2nd. Whether, having confessedly sprung up during the insanity of Dyce Sombre, it must be regarded, though not intrinsically, an insane delusion, still implying, so long as it should last, a taint of insanity, caught as it were from the morbid state in the course of which it commenced. Those who maintained the sanity of Dyce Sombre answered both these questions in the negative. The first was easily disposed of: the delusion in question was a mistake equally conformable with the natural character of the man and the habits in which he was brought up. To the second question, an affirmative answer would involve the supposition, that once mad a man is always mad, or certainly can never with confidence be pronounced sane. But madness does not pervert all those associating processes by which opinions are formed, neither

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should it be presumed to remove, on its disappearance all those trains of thought which have been set up in the mind during its presence, or the opinions resulting from them. What is *implied* by cure, is mainly, that the power of self-control has been regained; for on this latter point it must be admitted, that although the evidence of the invasion of insanity is not complete, until its intellectual symptom, delirium, has occurred, still no recognised intellectual improvement can be taken as conclusive evidence of a cure until moral self-control is restored. The first of these provisions is claimed by the special interests of the patient, and in order that his liberty may not be invaded on inadequate grounds; the latter is requisite for the defence of society. Meanwhile, with respect to moral self-control, it is justly assumable, that this has not been regained, if *certain* delusions had not been abolished, but it had never been proved that the one persistent delusion of Dyce Sombre belonged to that class.

In a case to which I was called in by Dr. Monro, a few years ago, it was our painful duty to resist the liberation of a patient; an old lady,

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whose confinement, under certificates, had continued for sixteen years. For six years she was described as having been in a state, first, of acute, then of chronic mania. For many years, we learned that she had regained the power of conversing consecutively and sensibly, indeed, without the smallest evidence of incoherent or irrational remark, and such appeared to us to be her present state. The objections which existed to her being then considered sane, if she had been insane up to the time we saw her, on the ground of her advanced age, weighed on our minds, but seemed insufficient. The evidence of her attendants, who considered her still insane, on the ground of occasional outbreaks of temper, was that of interested witnesses. She was a patient in chancery, and the visiting physicians had become favourably disposed to her enlargement, as a sound-minded person. Now, the question was, in this instance, determined in our minds, by a discovery which we made of a very remarkable notional delusion which held its ground in her mind. In a set of drawers in this lady's bed-room, and in certain trunks there,

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to which we were conducted without her knowledge, we witnessed a large, very heterogeneous, and dirty collection (dirtiness had been a symptom of her insane state), consisting of old bottles, broken cups and saucers, brass knobs, bits of old string, shreds of linen and cloth, small bundles of wood such as light fires, pieces having been apparently picked up and tied together; a cup, containing dirty food of the most disgusting appearance, which had evidently been long there; bits of valueless stone, coals, nails, etc. This accumulation, which could not have been extemporised by the attendants to make out a case, and of which, accordingly, the patient must have been long aware, would have occasioned strong doubts as to her sanity, even if no prior grounds of suspicion had existed; but, carefully preserved by one who, up to a recent date, had been so far suspected of insanity that she had not been set free by the visiting commissioners; who was in her seventy-first year, and therefore the less likely to have obtained a cure; it became, in the opinion of Dr. Monro and myself, a conclusive ground for resisting this lady's immediate enlargement.

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We have, in the above case, a notional delusion, apparently of sufficient weight to decide a question as to the presence of lunacy. It may be usefully compared with a process of thought occurring in another mind, which many will consider as equally constituting a notional delusion, but to which no one, either in the age in which it occurred, or in the present day, would attach equal or similar force, as affording proof of such disease. I allude to the case of Emanuel Swedenborg, but with no intention of enlarging upon it here. It is, however, suggestive, and brings before us an important incident in the estimate of notional delusions, namely, that they have not the same force in making out a case of insanity as delusions of the special senses. A notional delusion generally demands auxiliary proof, from the context, of the patient's character and circumstances. This was furnished in the case of the old lady, by her known previous insanity, and the improbability, arising from her age, that it was cured. But it was not furnished in that of Swedenborg, by any other element in his intellectual or moral

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condition. Neither does this latter case stand alone as illustrating the importance of a just estimate of this element of the judicial question under suspected lunacy. The aberration, the notional delusion, of Swedenborg, if it was one, is the same as, or but little removed from, the settled conviction of a body in the United States, amounting to thousands; many of these persons highly educated, some of them highly gifted, and in public offices of great trust, certainly far removed from any definite suspicions of lunacy. In the domain of mind, indeed, as well as of matter, the discovery of one age may have been the imputed miracle or hallucination of a former age.

In the case of M'Naghten, tried in 1844, for the murder of Mr. Drummond, we have an instance of notional delusions permitted to constitute evidence of insanity without any discovered incoherency of language or of thought, although the wayward character of his past life might make it probable that such incoherency and inconsecutiveness may have existed. The notional delusions were, however, such as expe-

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perience proves to be frequent in the insane. Formerly, when resident at Glasgow, he had frequently affirmed suspicions of the existence of a conspiracy against him; these, it was alleged, he had repeated at Boulogne, where, on landing, he fancied there were spies lurking in a watch-box. Faces, he said, were made at him in the streets, fists shaken at him, and stones thrown. He had pressed the Sheriff of Glasgow for protection from his fancied enemies. Here was strong presumptive evidence of notional delusions, which the medical witnesses affirmed, and which the Court accepted on their affirmation, as adequate to substantiate a plea of delirium. Subsequently, this opinion has obtained confirmation from the authorities of Bedlam, where Macnaghten has repeatedly exhibited well-marked maniacal paroxysms. Thus far I am justifying the evidence of the medical witnesses in this important trial; not, however, its results in relation to the sentence of the Court, the consideration of which would be at present out of place, though it has, in fact, a very important bearing on the whole subject, as I shall point out at another time.

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Contrast the above case with that of Bellingham, the murderer of Mr. Percival, in respect to whom the plea of insanity was over-ruled. Neither of these murderers exhibited incoherency of expression or thought. Bellingham's avowal, that ill-usage led him to the performance of his crime, supplies the act with a motive belonging to the ordinary laws of the human mind, and delusive (if unfounded) only in that sense in which every mistake might be so called. The immediate occasion of the murder was, indeed, a very natural one to a moody and malignant mind, such as Bellingham's seems to have been. He had been roughly repelled in one of his intrusive applications at a Government office a short time before the deed; and it was not unlikely that he should select Mr. Percival for his victim, for he had made to him a personal application, and been refused. There was, in truth, no point in his case tending to fix upon him the plea of insanity, unless his 'strong expectation of being acquitted,' according to the report of the case, can be interpreted into a morbid notional delusion. It is but just to observe, in

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favour of those who objected at the time to the verdict in Bellingham's case, that but little time was given for the collation of evidence in proof of his being a lunatic.

The subject of delirium has to be estimated in relation to a form of it, which in its acute stage, certainly may be accepted as a proof of insanity; while, in its chronic stage, wherein delusions and incoherency of thought are less patent, it will still fall within the intention of the certificate, as disqualifying the patient for self-control, under the head of unsoundness. This is delirium tremens. The symptoms of it are well known to the audience whom I am addressing, whom I merely wish to remind that they may be called upon to affirm or negative them, where the most important interests of society may be perilled if a wrong conclusion be arrived at by judge and jury. This caution is, indeed, the more required, that the plea of delirium tremens may easily be brought to bear upon cases in which the thing itself has no existence, or does not exist in its practical development; *e.g.*, where a person, predisposed,

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perhaps, to this state, is truly drunk, not delirious. Such was, apparently, the well-known case of Captain Johnson. This officer put to death, or severely wounded with a sword, successively, and on different days, several of his sailors. He had previously, on shore, drunk largely, and was probably during the time under the influence of alcoholic liquors. The plea, on which alone he could escape a verdict of murder, was the disorder in question, as being the only recognised mode in which drunkenness is construed into lunacy. The proof that this disorder had existed was nowhere to be found in the appearance of the criminal on trial, or in the depositions of those who witnessed these tragical acts. It was assumed by the counsel for the criminal, and good-naturedly but unscrupulously conceded by the Attorney-General and the Court. Under this co-operating influence, it cannot be wondered that the jury surrendered their judgment, and found a verdict of lunacy. Shortly after his escape, I saw Captain Johnson in the criminal department of Bedlam. His manners seemed quiet and reserved; his

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countenance hard and morose, but no part of the expression of it indicated predisposition to mental disease, the absence of which was strongly affirmed by the medical authorities of Bedlam.

But the medical witness is often called upon to advise the court, whether the case be civil or criminal, in ascertaining the amount of understanding existing in persons of questionable soundness, or even of admitted unsoundness. And this may be considered either directly, or under that presumed suspension of mental disease which has been termed a lucid interval. The direct requirement of the law in regard to amount of understanding requisite for civil purposes, *i. e.* in the disposal of property, is best expressed in the language of the Privy council in the case of Harwood v. Baker; wherein it is said, 'In order to constitute a sound disposing mind a testator must not only be able to understand that he is by his will giving the whole of his property,—but also that he must have capacity to understand the extent of his property and the nature of the claims of those whom by his will he may be excluding from all participation in that property—and there-

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fore, the judgment proceeds—'The question, which their Lordships propose to decide in this case, is, not whether Mr. Baker knew that he was giving all his property to his wife and excluding all his other relations from any share in it, but whether at that time he was capable of recollecting, who those relations were, and understanding their respective claims upon his regard and bounty, and of deliberately forming an intelligent purpose of excluding them from any share of his property?' Assuming that the judgment here quoted by me (with some omissions unimportant to the medical witness) affords a standard of intellectual power in relation to the requirements of the law for the disposition of property, we learn from another part of the same judgment an important modification, which may be had recourse to in applying that judgment in some cases, in which the capacity of the testator might appear to fall below the standard. 'If their Lordships had found (from the other evidence) that Mr. Baker had, *while in a state of health*, compared and weighed the claims of his relations, and then formed a deliberate purpose of rejecting them all,

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—but had omitted to carry that purpose into effect, during the attack of illness, under which he died, and that during that illness he had acted upon that previous intention, and executed the will in question, *less evidence of the capacity to weigh those claims* during his illness might have been sufficient to shew, that the will propounded really did contain the expression of the mind and will of the deceased.'

But besides the question of general capacity or understanding, and where the absence of this is admitted, there is a state, above adverted to, on which we are often called upon to decide; as present or not present at the period at which the will is made, or other disposition of property effected. I mean, a Lucid Interval.

Now this state is presumed to imply a suspension not a mere remission of the *morbid* state. 'A lucid interval,' says Lord Thurlow, 'is a state, in which the mind having thrown off the disease has recovered its general habit.' 'No case,' says Sir John Nicholl, 'has ever come under my notice, where Insanity had been said to be established without any delusion having prevailed;'

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nor was, he 'able to understand what was meant by a lucid interval, if it did not take place when no symptom of delusion can be called forth at the time.'*—Now, it appears to me, that in this point of view, more than in any other, every case must be decided for itself and considerd singly. Remarkable instances exist of acceptance in courts of justice of the proof of lucid intervals. Thus, in the case of Cartwright *v.* Cartwright, we find the court deciding in favor of a will made by a person confessedly and obviously insane at about the time of making a will, but presumed to be under a lucid interval.

'It was proved, in general, that the habit of the person (a single woman), and her condition of body, and her manner for several months before the date of the will in question, was that of a person afflicted with many of the worst symptoms of insanity, and continued so certainly after the will was made.' It appears from evidence, that, for some time previously to the date of the will, she was very importunate for the use of pen, ink, and paper, which were at first with-

* Shelford's Law of Lunacy, page 375.

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held from her by the direction of her physician, Dr. Battie. Her importunity continuing, he at length consented, in order to quiet and pacify her, that she might have them, observing, that it did not signify what she should write, as she was not fit to make a proper use of pen, ink, and paper. These being carried to her, her hands, which had been previously tied, were unloosed,* and she sat down to a bureau to write. Her attendants, who were watching her outside the door, saw her write upon several pieces of paper in succession, which she tore up and threw into the grate, walking up and down the room in a wild and furious way, and muttering to herself. After one or two hours spent in this way, she finally succeeded in writing a *will*, which suited her, though it occupied but a few lines. It was decided by the Court (Sir William Wynne), that she had a lucid interval while making the will, the validity of which was consequently established. The grounds of this decision were, that

* It is probable that the ligatures, thus loosened, need never have been imposed, considering the results of their removal.

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'the will made a natural and consistent distribution of her property; in short, that it was a rational act, rationally done.' Hence it was to be inferred, that her mind was visited by a lucid interval at the moment of making it. 'For,' says the Court, 'I think the strongest proof which can arise as to a lucid interval, is that which arises from the act itself; that I look upon as a thing to be first examined; and, if it can be proved and made good that it is a rational act rationally done, the whole case is proved.' Meanwhile, the civil powers conceded in this act to the lunatic convey no imputation on those who, either at the time or afterwards, were keeping her in durance.

On the other hand, in the case of Waring *v.* Waring, we find Lord Brougham *setting aside* a will made where the insanity was far less proved, but dissimilarly situated to the above in this respect also, that no temporary lucidity presented itself—certainly no lucid interval is suggested by the act itself, as in the Cartwright case. The will was made in favour of a person unknown to the maker, and it sets aside a brother, towards

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whom she has taken up a baseless delusion that he is a Roman Catholic.

As the above questions concern the *civil* powers which may be conceded to persons under lucid intervals, so there is another kind of question which equally calls for our discretion in the giving of opinions—the more so, because here there are strong inducements to us to contemplate the case as advocates as well as witnesses—namely, What extent of criminal responsibility the insane may acquire? Some amount of this may presumably be demanded during a lucid interval, when it is considered, that much of our own improved treatment of the insane, in the present day, turns upon the power of self-control which they can be induced to exhibit, under the influence of certain motives, even when no lucid interval is supposed to exist—an admission which we must make, in spite of the more general fact, that a deficiency of influence from motives is observable in the insane state. The answers of the judges applied to after the acquittal of M'Naghten for the murder of Mr. Drummond, by the House of Lords, on the

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state of the law relative to crimes committed by persons supposed to be insane, or afflicted with monomania, certainly comprehend and apply, *à fortiori*, to persons under lucid intervals, and they affirm the responsibility of all persons who have the capacity for recognising the meaning of the law, and of knowing that they are acting contrary to it. These answers of the Judges I shall again refer to in another place, when I am discussing the conditions under which they may be applied to persons of diseased mind. But I must here advert to the very contrary views expressed by Dr. Rae, in a work* of great value on the subject now before me. 'It has been admitted,' says Dr. Rae, 'that, with certain reservations, the civil responsibilities of the insane are unimpaired during the lucid intervals, because the mind is sufficiently restored to enable the individual to act with tolerable discretion in his civil relations. In respect to crimes, however, the matter is altogether different, for reasons that will be not without their force. These reasons are, that the crimes which have

* 'On the Medical Jurisprudence of Insanity.'

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been alleged to be committed in a lucid interval, are generally the result of the momentary excitement produced by sudden provocations. But these provocations put an end to the *temporary* cure, by immediately reproducing that pathological condition of the brain called irritation, and that this irritation is the essential cause of mental derangement, which absolves from all the legal consequences of crime.' 'The conclusion is, therefore,' proceeds Dr. Rae, 'that we ought never, perhaps, to convict for a crime committed during the lucid interval, because there is every probability that the individual was under the influence of that cerebral irritation which makes a man insane.' That this law(!) is not conformable with the dicta of the Judges above alluded to, will not be disputed, if my interpretation of those dicta is accepted; that it is not more conformable with the interests of society will also, I think, be admitted. Consider the parity of reasoning to which it leads. We are told by Dr. Esquirol, that out of 2,814 recoveries of the insane, 292 have recurrences of the disease.

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These persons, then, had obtained temporary cures; and I know not how Dr. Rae could refuse to any criminal outbreak of which they may hereafter be guilty, the same immunities from punishment, and on the same grounds, which he confers upon persons presumed to labour under the temporary recovery afforded by a lucid interval. Accordingly, all these persons will, according to Dr. Rae's admission, in regard to the latter case, be permitted to act in the most important civil relations, as if sane, and yet be privileged to commit criminal acts without any liability to the punishments of crime.

It must be confessed, that the conditional responsibility which the law, and, as I think, the reason of the case, attributes to the insane, is not easily applicable in practice, either under lucid intervals, or under such other phases of the insane state as might seem to justify it. The law, as I shall have again more fully to point out, will remain a dead letter, or will be continually ignored by the sympathies of judges, juries, and, I may add, of medical witnesses,

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unless some practical distinction can be arranged which may enable the responsible insane to undergo some lower degree of punishment than that inflicted on similar delinquents being of of sound mind. The position of many such persons under capital charges is at present anomalous. They are acquitted in defiance of the law as laid down by the judges respecting M'Naghten's case, because the punishment at present appertaining to the offence would be too severe; and then, instead of being consigned to confinement in a gaol, as a secondary punishment, they are consigned to it in an asylum, as a place simply of detention. This becomes a scene of severe virtual punishment to some of them, of gratification to vanity and idleness to others; those, meanwhile, to whom it is a grievance, as they do not regard it in the light of a punishment, derive from it none of the preventive effects of punishment on future conduct, while the public, for the same reason, find it equally unproductive of good as an example to persons of actually diseased mind, or to that large class of other persons who are

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drifting into disease under uncontrolled eccentricity. To this point I shall return, when I am considering unsoundness of mind.

On the whole subject of lucid intervals, the weighty remark of Lord Brougham made in one judgment, should be born in mind by us. 'If,' says his lordship, 'that being or essence, which we term mind, be unsound on one subject, provided that unsoundness is at all times existing on that subject, it is quite erroneous to suppose such a mind really sound on other subjects.'* In reference to this great truth, it is of the highest importance that the medical witness should prove or disprove the existence of certain delusions. It is somewhat singular, that in the masterly judgment of Vice-Chancellor Page Wood, on the application for a second trial in the case of the Duchess of Manchester's will, he should, in the presence of uncontradicted evidence that such delusions existed, have affirmed that the party laboured under simple delirium, and not under that modification of it, which such delusions indicate.

* Waring *v.* Waring.

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LECTURE II.

INSANITY.

Destructive Orgasm or Tendency considered in its Relation to Insanity. — This Plea, how extended to it through the Hypothesis of Moral Insanity, to the Identification of Vice with Mental Disease.—Opinions and Cases of Pinel, Prichard, and Esquirol estimated. —Practical Tendency of Men to fall in with *their* Views in dealing with the Homicidal Orgasm. — Evil Results from Absence of Secondary Punishments for *some* Delinquencies of the Insane.— Illustrative Cases.

I HAVE discussed the subject of Insanity in its relation to medical proof under its essential element, Delirium, as indicated by inconsecutive, incoherent trains of thought, and by certain delusions, over which the patient has no control, or no such control as should prevent their influencing his conduct. I have now to consider a peculiar state, under which the leading and important subject for judicial consideration is an orgasm, or an intense and sometimes sudden desire which leads the sufferer to perform some

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criminal act; this orgasm, not always susceptible of being construed into delirium, as not being obviously attended either by a morbid delusion, or by a state of inconsecutive thought. In regard to this condition of the case, a question instantly arises, whether, in the absence of direct, it may admit of constructive, proof of delirium, that is, of a morbid state of the intellect; or must be removed into the category of vice.

Certainly there are cases of the above orgasm, in which it seems to suggest to its victim an objective false perception, leading him to some criminal act, to which all his feelings and moral sentiments are opposed. A mother hears continually, or at intervals, a voice commanding her to cut her infant's throat; or the agent is preceded by a ball of fire, leading him to the person whom he imagines he must murder. In such cases as these, false perceptions being clearly made out, the medical witness has no difficulty in affirming the presence of insanity. But there exist many cases in which a motiveless and sudden act of murder is performed or contem-

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plated, for which Medical writers and witnesses in courts of justice have endeavoured to find a place in the category of insanity at some expense of logic, and at a great expense of public good. They have endeavoured to make the act prove its own insane character, in the absence of any delusion either contained in *it*, or elsewhere existing in the man's character. I believe that the knot which they thus cut might, in many cases, be untied; that is to say, that a more profound analysis of the patient's history, in cases in which the crime is at variance with his normal character, would detect a specific insane delusion, or a continuously morbid state of the imagination, under which everything presents itself in shades and hues different to those which it impresses upon all other minds. This will the more be admitted, if the admirable tests recorded by Dr. Esquirol, in his remarks on homicidal monomania, are applied in the inquiry. But a more summary procedure is adopted by Dr. Prichard, who has largely treated this kind of case, and whose terms 'instinctive insanity,' and 'moral insanity,' convey the hypothesis

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on which he would deal with the difficulty. Under the first of these two expressive terms, Dr. Prichard conveys a new modification of nosology. He presumes that there exist two species of insanity: one being that which I have hitherto considered as an inclusive state, in which moral perversion is blended with intellectual perversion; the other being a state in which the moral perversion exists alone, being of such kind and degree as to justify its being considered abnormal, in the same sense as that in which insanity is abnormal, when the intellect participates. Now, to this hypothesis I object, on two grounds. First, that it unnecessarily breaks down an accredited distinction, which assigns an intellectual lesion as a characteristic to the disease termed Insanity. I say unnecessarily, because it does not suggest that there is no such state as the insanity, characterised by delirium; but determines that the word which formerly expressed that state shall be loosened in its signification, so as to contain, as species, two states: one, the very malady to which its meaning had been formerly confined;

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the other, a group of symptoms formerly contemplated in a very different light. Changes of name thus instituted in matters purely speculative are merely productive of obscurity, or, at the most, of the supposition that knowledge has been increased, when only words are altered. But where great practical consequences become associated with them, these changes assume a very mischievous character; and this contains my second ground of objection, namely, that the change contemplated by Dr. Prichard tends to include in a class which has been emphatically pronounced morbid, in a sense which supposes the persons embodied in that class to be either wholly or partially irresponsible, certain other persons, whose only claim to be considered morbid lies either in eccentricity and atrocity of vice, or in their combining with a low moral condition the peculiarities of the hysterical diathesis. These, in the first points of view, are as responsible as any other delinquents, in the latter being mainly, and, on the whole, a responsible class.

For, with respect to the first point—viz.,

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eccentricity and atrocity of vice—I may observe, that the theory of either moral or impulsive insanity is liable, for anything that Dr. Prichard has suggested, to occasion the sudden outbreaks of the brutal character—a character under rapid development at present in the lower orders of the country, to find refuge under this plea. Such was the application of it which, some years ago, protected the Honorable Mr. Tuchet from the penal consequences of a great crime. That gentleman put to death, by a pistol-shot, the marker of a shooting-gallery. The act was sudden, and there was no apparent motive; but it was not performed under any semblance of delirium. Mr. Tuchet was eccentric, and he was *blasé*. He fancied that he desired to be hanged; at the gallows he would probably have thought differently; and he was reckless and brutal enough to give himself a chance of this fate at the expense of the life of a fellow-creature. I have noticed him since, in the criminal department of Bedlam, *insouciant* and indifferent enough, but certainly not insane in any sense of the word that would not entirely disintegrate its meaning;

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neither, when we proceed to consider the sense which the law intends to give to the expression of the certificate—'unsoundness'—shall we find this epithet at all more appropriate to Mr. Tuchet's case, which was simply one of brutal recklessness.

With respect to the misapplication of the plea of insanity to hysteria, we have the case of a nursery-maid placed in Bethlem Hospital in 1846. A trifling disappointment relative to an article of dress had produced in her a wayward state of mind. She laboured at the time under diminished catamenia. An object to which she was generally much attached came in her way, namely, the infant whom she nursed; and she destroyed it, as a fanciful child breaks, in its moodiness, a favorite doll. No fact more nearly approaching to delirium than the above was stated in exculpation or excuse at the trial. But Dr. Prichard's work, on the Different Forms of Insanity, in Relation to Jurisprudence, was published in 1842; and, by 1846, juries had learned to convert the uncontrolled influences of temper into what he terms Instinctive Insanity. As an instance of this class of cases, in which the judi-

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cial authorities came rightly to a very different conclusion, I will quote to you the following one from Sir Woodbine Parish's last work on Buenos Ayres. Having spoken of a certain wind occasional in that climate, which in some persons produces peculiar irritability and ill-humour, almost amounting to a disorder of their moral faculties, he proceeds as follows:—'Some years ago, Juan Antonio Garcia, aged between thirty-five and forty, was executed for murder at Buenos Ayres. He was a person of some education, and rather remarkable for the civility and amenity of his manners; his countenance open, his disposition generous. When this *vento niorte*—this peculiar north-wind—set in, he appeared to lose all command over himself; and such became his irritability, that during its continuance he was engaged in continual quarrels and acts of violence. Before his execution, he admitted that it was the third man he had killed, besides being engaged in various fights with knives. When he arose from bed in the morning, he told Sir Woodbine's informant, he was always aware at once of its accursed influence upon him; a

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dull headache first, then a feeling of impatience at everything about him. If he went abroad, his headache generally became worse; a heavy weight seemed to hang over his temples. He saw objects, as it were, through a cloud, and was hardly conscious where he went. He was fond of play; and if, in such a mood, a gambling-house was in his way, he seldom resisted the temptation. Once there, a turn of ill-luck would so irritate him, that he would probably insult some one of the by-standers; if he met with any one disposed to resent his abuse, they seldom parted without bloodshed." The relations of Garcia corroborated this account, and added, that no sooner had the cause of the excitement passed away, that he would deplore and endeavour to repair the effects of his infirmity. 'The medical man,' says Sir Woodbine, 'who gave me this account, attended him in his last moments, and expressed great anxiety to save his life, under the impression that he was hardly to be accounted a reasonable being.' 'But,' he adds, 'to have admitted that plea would have led to the necessity of confining half the population of the city when

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this wind sets in.' I quite agree with the conclusion which this remark implies, as to the fate of Garcia. He was himself aware of the murderous instinct to which he was liable, and of its exciting causes. Surely, when such knowledge is in the possession of the delinquent, he must be made responsible for the non-avoidance of exciting causes.

M. Georget gives a case, which may be usefully contrasted with the above as to its claims on the plea of insanity. Hypolite Mendic, a non-commissioned officer in the French service, had gradually become morose, capricious, and brutal in his conduct, so as to excite the disgust of all his companions. This ends in disobedience of orders, and such violence towards his commanding officer as to render him liable, on trial, to the sentence of death. The trial proceeds, with the customary anxiety of the medical witnesses to make out a plea of insanity; and the tendency of the court, observable indeed in all M. Georget's reports, to give the criminal the benefit of the most careful inquiry into extenuating circumstances, and at the same time to protect the

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public against that plea, when overstrained. The symptoms of this case wanted the acuteness of character which alone tended to palliate the crimes of Garcia; but, in the course of Mendic's trial, one weighty fact was made out—namely, that before his outbreaks he was subject to an epileptiform seizure, out of which he emerged into the wayward state above noticed. This might fairly justify an hypothesis of delirium, as present at those paroxysms. If judgment was overpowered in Garcia, it was suspended in Mendic. There are shades of distinction in the amount of man's presumed responsibility to society, which should be indicated by corresponding shades of punishment when offences come; but, in all cases, consciousness is presupposed as a condition of responsibleness; so that a disease affecting consciousness renders the agent, so far forth, unfit in kind as well as in degree, to become an object of punishment.

Such are the principles of distinction through which humanity and justice dictate, that the diseases of the mind should be relieved from certain penalties of the law. Let us consider

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how this is effected under the hypothesis of Dr. Prichard, in regard to moral or instinctive insanity, the latter of these terms being, in fact, a sub-species of the former; and, first, I will ask, What is the form and meaning of this term moral insanity? or, to put this idea in another form, what insanity is not moral? I have myself pointed out, in the 'Elements of the Pathology of the Human Mind,' that the earliest indications of approaching insanity are moral. The same idea has since been largely treated by Dr. Forbes Winslow, in his work, on the 'Incubation of Insanity;' and at every period of its actual presence, the powers of self-control are interfered with, the affections suppressed or altered, the passions excited or perverted. But the admission of this truth affords no ground for a distinction that shall exclude or assume the absence of intellectual perversion from any state which claims the title of insanity. And this involves no mere war of words with those who, like Dr. Prichard, profess to treat the subject of insanity in relation to jurisprudence, and therefore, so far as criminal law is concerned, to

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punishment, under the universally admitted hypothesis, that insanity tends to exculpate the criminal. Let us, indeed, see how this hypothesis can be carried out in its appropriate cases, insanity being also supposed to be compatible with the absence of intellectual perversion. In describing the character of the infamous Lord Wharton, Dr. Swift somewhere expresses himself as follows:—'I have had the honour of much conversation with his Lordship, and I am thoroughly convinced how indifferent he is to applause, and how insensible to reproach; which is not a humour put on to serve a turn, or meet a countenance, but the mere unaffected bent of his nature. He is without the sense of shame or glory, as some men are without the sense of smelling; and, therefore, a good name is to him no more than a precious ointment is to these.' Now, we have here a case which may, if any, claim the privileges of moral insanity, if this be granted to Dr. Prichard; for it is even more than *perversion;* it is, according to Dr. Swift, the *absence* of the moral sense. But there was neither inconsecutiveness of thought nor delu-

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sion observable in Lord Wharton. The following case has common points with the above extract from Swift. Mr. A—— was born in a respectable station, and is possessed of a good fortune, of as much at least as he has allowed to remain of a good fortune. He has a wife and children, and as many friends as his conviviality attracts in spite of the hardness of his character. He has always been profusely extravagant, for his passions and appetites have compelled him to squander money, which he would probably have hoarded, if his selfishness had taken that turn. His temper is at once stern and violent, and all who know him expect that the dispositions of his will must prove him, to the last moment of his life, utterly unjust. If he had sufficient courage he would rob and murder, for his cupidity and vindictiveness are under no moral check; but he is naturally timid, and owes to this circumstance his avoidance of those acts which the law might construe into crimes. Such is Mr. A——, and such, or as nearly such, as the distinctive points which separate all individuals will allow, is his neighbour

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Mr. G——. But there happens to exist a peculiarity in the latter, which has materially altered the course of his life, and its results upon others. Mr. G—— was observed to talk much to himself. This excited attention, and, on further inquiry, it was found that he was habitually under the influence of false perceptions, and believed himself solicited by certain voices audible to him alone, to perform acts, whether vicious or not, of a most incongruous character. Mr. G—— was accordingly recognised as insane, and placed under restraint, while neither Lord Wharton nor Mr. A——, nor, I might add, the homicide Lord Ferrars, would be viewed as amenable to coercive measures, on the ground of their peculiarities of character; nor would a claim to irresponsibility be admitted in their favour. Now, I would ask, if insanity confers, as it unquestionably must, some irresponsibility, how, on the occurrence of criminal acts, are these four persons to be dealt with, except through the application of the intellectual criterion? All have, in a degree, the moral phenomena of insanity. Yet, if all are allowed to

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escape unpunished under delinquencies, on the plea that they are insane, in three of these cases, those principles of criminal justice must be violated by which both nature and reason instruct us that vice must be antagonised. If all four are punished, the best sympathies of our nature are violated to an extent which would not be borne by judges, advocates, or juries, in not admitting one of them, Mr. G——, to that amount of irresponsibility which certain intellectual lesions, as discovered in him, are presumed in justice to afford. This single case equally requires the application of the intellectual criterion to enable us, when no delinquency has yet been committed by him, to protect him by coercion or surveillance against himself. But if this latter benefit were extended to the other three cases, it would naturally be deemed, both by them and by law, an interference with their liberty of action. They would not bear to be told that they are morally insane. They have a right to do what they like, unaffected, at least, by statutes *de lunaticis;* and the public have a right to demand

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that they should be hanged if they commit murder.

The tendency of the above reasoning is to point out that no abnormal state of mind confers irresponsibility (an attribute which the inventors of the term 'moral insanity' conceive it to possess), unless such abnormal state of mind involve intellectual as well as moral perversion.

A few years ago, a middle-aged woman, cook to a family in Harley-street, found herself in the disagreeable position of having an illegitimate child, previously out at nurse, thrown upon her hands—being left, indeed, at the house where she was residing. Her measures were soon taken, though the emergency was unexpected. The other servants being at that hour of the day, one o'clock, at the lower part of the house, she took the little boy up to her bed-room, strangled him, packed up and corded the body in a box, and sent it to a sister in Nottinghamshire. During the remainder of this day of murder, she was in her ordinary quiet state, and read her Bible a good deal. This was nearly

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all the evidence that was substantiated at the trial, besides her own free confession of the deed. She was acquitted on the ground of an insane impulse existing at the time of the murder—a plea which never would have suggested itself, or been entertained, but for that mischievous neglect of the intellectual criterion, for which we are indebted to the hypothesis of moral and instinctive or impulsive insanity. In truth, the impunity derived from this plea is singularly inappropriate, as it generally accrues to that very class against which society possesses no protection except through their fear of punishment—namely, the unprincipled. Nor, I believe, are they slow in recognising and availing themselves of their privilege. In one marked case, it was proved to the satisfaction of the late Dr. Warburton and myself, that a gentleman at his asylum, whose insanity had been certified mainly on moral grounds—that is to say, with no sufficient intellectual lesion—was deliberately availing himself of its shelter from a criminal indictment. And we found reason to believe, that he had before similarly availed

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himself through a similar certificate of another asylum; the object on the former occasion being to avoid a charge of incendiarism, on this latter occasion of indecent exposure of his person.

Meanwhile, authors of eminence in mental pathology have expressed themselves strongly in favour of constituting a species of insanity that shall be exclusively ethical; and it is fit that I should examine the grounds of their opinions through a consideration of the facts which they advance. The more so, as I may thereby best be enabled to explain my own meaning. I have adverted to Dr. Prichard: now, I understand him and M. Pinel, the principal advocates of these views, by their expressions, '*Manie sans délire, manie sans lésion de l'entendement*,' *moral insanity*—to signify a state in which there is no morbid delusion of the senses or the understanding, no incoherency or inconsecutiveness of thought, and yet which shall, as a form of insanity, entitle the persons thus affected to claim the privileges of irresponsibility, as a class, and not exceptionally. The opinions on this subject entertained by Dr.

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Esquirol, in his remarks on what he terms reasoning insanity, I shall presently consider. M. Pinel, the oldest of these writers, puts the question, 'Can mania exist without lesion of the understanding?'—to which state he uses '*manie sans délire*' as a synonymous expression. He replies to himself in the affirmative, and illustrates his opinion by three instances. The first has so important a bearing on my subject, that I must give it nearly in full:—'An only son of a weak and indulgent mother was encouraged in the gratification of every passion and caprice of which an untutored and violent temper was susceptible. The impetuosity of his temper increased with his years; every instance of opposition or resistance roused him to acts of fury. He assaulted his adversary with the audacity of a savage, sought to rule by force, and was constantly embroiled in disputes and quarrels. If a dog, a horse, or any other animal, offended him, he instantly put it to death. If ever he went to a *fête* or any public meeting, he was sure to excite tumults, and generally left the scene with a bloody nose. This wayward youth, mean-

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while, when unmoved by passion, possessed a perfectly sound judgment. When he came of age, he succeeded to the possession of an extensive domain. He proved himself perfectly competent to the management of his estate, as well as to the discharge of his relative duties, and he even distinguished himself by acts of benevolence. Wounds, lawsuits, and pecuniary compensations were, however, still the consequences of his unhappy propensity to quarrel. But an act of notoriety put an end to his career of violence. Enraged at a woman who had used offensive language to him, he threw her into a well; prosecution took place, and, on the evidence of several witnesses to his furious deportment, he was condemned to perpetual imprisonment in the Bicêtre.'

Now, if I wished to escape out of a difficult controversy through a glaring example obtained from the avowal of an adversary in my favour, I should do so at this point in relation to M. Pinel. If this is mania or insanity, what is brutal recklessness? The next instance is the case of a man subject to periodical accessions of

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homicidal fury, in direct opposition to his ordinary feelings and sentiments. Here is, no doubt, moral disturbance; but where, and in what state, is the principle which, in the sane mind, co-ordinates and directs the passions and affections? Even assisted as they are by his natural feelings and sentiments, which are in the direction of right, this man's reason and understanding are powerless. Pinel would say, they are overborne by moral insanity. Which is most probable—that this solution explains the case, or that the reason and understanding are themselves implicated in the abnormal state? I do not object to Pinel's explanation as false, but merely as partial and exclusive. The case itself may have been one of true insanity involving delirium—a supposition made more probable by its intermittent course.

Pinel's third case of *manie sans délire*, is the well-known one of the maniac liberated by the revolutionary mob at Paris, and signalising his delivery by snatching a sabre and cutting down some of his liberators. This patient was found by his liberators in a lucid interval. No account

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is given by Pinel of the character of his madness during its paroxysmal state, except in the simple fact, that he became excited by the cries and violence of his deliverers. Whatever psychological interest the case may possess, it has no reference to the point which it is adduced to illustrate—viz., insanity without lesion of the understanding.

The moral insanity of Dr. Prichard is described by him* as 'the form of mental derangement which consists in a morbid perversion of the feelings, affections, and active powers, without any illusion or erroneous state impressed on the understanding; it sometimes co-exists with an unimpaired state of the intellectual faculties.' Having praised M. Pinel's first case (here alluded to), he proceeds to give a series of illustrations of his own doctrine, under the following title:—'Cases exemplifying the Description of Moral Insanity, and that of Monomania (i.e. partial derangement of the intellect); or, Illustrating the Relation of these two Forms of Disease, and

* Prichard 'On Insanity, and other Diseases affecting the Mind,' p. 12, etc.

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the transition from one to the other.' Now, with respect to these cases, I must observe, that the transition, to use Dr. Prichard's phrase, exists in all; or, as *I* should venture to phrase the idea thus expressed by him—in all of them there is intellectual derangement as distinctly marked as is the moral derangement, with one condition, which seems to belong to insanity, that its moral phenomena come first into notice. In fact, the supposition which forms the basis of Dr. Prichard's discovery, that moral insanity 'sometimes co-exists with an unimpaired state of the intellectual faculties,' is not realised in one of his cases. Let us look at them more closely. In the first case (No. 1), a gentleman, after various traits of eccentricity, but without delirium—in other words, after the premonitory moral symptoms which ordinarily precede the intellectual lesion—adopts an ungrounded belief that his wife's affections are alienated from him—a notional morbid delusion—and drowns himself in a canal behind his house. No. 2 has laboured for some years, Dr. Prichard says, under moral insanity. But it is also admitted that he hears and believes in the reality

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of voices in different parts of his house, where they have no existence. He labours, therefore, under objective false perceptions, and may be claimed by those who affirm that delusion or incoherency is required to complete the idea of insanity. Case 4 is that of a farmer, who, being desirous of surveying an estate belonging to a gentleman in the neighbourhood, with a view to purchase, selects for this purpose the middle of a dark night, and insists upon being accompanied by the reluctant steward, with a lantern. Is there no intellectual lesion here? Of his fifth case, Dr. Prichard admits that it is doubtful whether it be one of moral insanity or of intellectual derangement. He ought to say of the latter as well as the former kind. In this case of dubious intellectual soundness, the patient made it his practice to open the window at certain hours of the night, and to cry out exactly twelve times; also, to go every day after dinner into the middle of the quadrangle, and throw up his hat into the air a precise number of times, vociferating after each throw. When any person, whom he knew to be a physician, came near him, he would recoil

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with horror, and exclaim, 'If you were to feel my pulse you would be lord paramount over me for the rest of my life.' But Dr. Prichard, in his desire to have a form of insanity in which the intellect shall not have undergone perversion, lets into his catalogue of cases one, of which I will venture to affirm, that it never would be called insanity at all except under an erroneous or cloudy hypothesis. (Case 9.) This singular victim of so-called insanity, is described by Dr. Prichard as quick in perception, active in body, persevering, knowing the value of property, possessing good judgment, and an acute calculator; and, as to his moral phase, possessing a strong sense of duty, and of the most regular habits. He only distrusts his own abilities to an unusual extent. His right, then, to be considered insane, in any sense of the word, is questionable; and the vagueness introduced into the subject by comprehending him in that expression, is imputable to that loosening of the definite sense of words, which I am endeavouring to prevent.

The course of M. Esquirol's inquiries has led

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him to refuse his assent to the views of Dr. Pinel and Dr. Prichard in their full extent, namely, as indicating a form of insanity in which the moral faculties are alone implicated. He cannot admit their cases into this category, without the assumption of what he calls a *délire partiel*, a perversion of reason to a limited extent; but he accepts the term *raisonnante*, as still applicable to the mind under this condition. The morbid state is a delirious episode in a being otherwise reasonable. The following abstract of a case from M. Esquirol's '*Maladies Mentales*,' will help to elucidate his opinions on this subject:—Madame N., aged 23, a lady of the nervous temperament, having been subjected to some slight contrarieties, becomes excited. Being previously an attached wife and mother, she now neglects both her husband and child; neglects also the regulation of her house, in which she was previously exact; becomes impudent in her remarks, and even throws out charges against her husband in the presence of strangers. 'A demon of mischief,' says M. Esquirol, 'seems to possess her; yet she is prompt and subtle in finding excuses, and can

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conduct herself so well in society as to baffle suspicions of unsoundness.' Now whatever idea M. Esquirol associates with the expression *raisonnante*, as applied to this case, viewed also by him as one of insanity, the burden of proof rests with him, that this lady was not in the course of it under delirium, involving incoherency of thought, or false perceptions, or both. Now, with respect to the right of such insanity to be called a *folie partielle*, as a state in which a portion of the understanding is perverted, a portion left sound, I must urge that, unless the human understanding can, like the moral properties which it regulates, be contemplated as divisible, these expressions involve a solecism in reasoning; and I shall, in another part, point out that this supposition is not justified by any legal opinions or decisions; on the contrary, it has received contradiction from the highest authority.

The above disquisition may appear a trifling with words; not so when it is considered that the words involve doctrines on which formidable consequences hang, both moral and judicial.

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That distinction which I have been impugning must, if unfounded, be full of risk, as encouraging, on inadequate grounds, a supposition, that the individual in question may be trusted in those points, to which the so-called partial disturbance—*folie partielle*—is presumed not to extend. Thus, in a case which M. Esquirol adduces, of homicidal monomania or partial insanity, 'the patient,' it is also incidentally observed, 'is afraid of walking about the house, lest he should break the Crown jewels.' Now, I may here remark, suppose this latter fancy had been the one first observed in him, and had been accepted as the partial delirium, or under any other of the synonymous terms used by M. Esquirol, leaving the rest of his intellect unimpugned, here the hypothesis might have cost a human life by occasioning partial confidence in the patient's sanity, and masking the homicidal orgasm. With respect to the word monomania, I may observe, that it is often used in a perfectly unobjectionable sense, not as expressing unity of delusion, but permanency and predominancy in some one delusion.

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I now return to the consideration of this homicidal orgasm, which I have in some degree deserted, while I have been endeavouring to unravel one sophism, which too frequently places that orgasm in an illegitimate and forced alliance with the insane state. It is conformable with my object to ascertain, as far as I can, with respect to that orgasm, what proof the law demands of the medical witness of its justly claiming to be considered in any given case an evidence of the presence of insanity. But before I directly enter upon this question, I must dispose of another of far more general import, as affecting, not only the results of the homicidal orgasm, but all those crimes, with their penal consequences, in exculpation of which the plea of insanity is set up. The question is as follows: The presence of insanity being *granted*, what extent of irresponsibility is conferred according to the intention of the law of this country? This subject has been touched upon in my first lecture, in reference to the responsibility acquired by persons under a lucid interval. There is certainly a great concurrence in the expressed

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opinions and dicta of Judges, that insanity is not exculpatory, unless it comprehends and fulfils certain conditions in the act. 'It is for you to consider,' says Mr. Justice Le Blanc to the jury, 'in a case of attempted murder, whether the prisoner, when he committed the offence with which he stands charged, was or was not capable of distinguishing right from wrong;' a vague expression, to which, as used by the learned judge, and, I regret to add, by many other judges, I beg leave to annex, as its reasonable interpretation, the unambiguous terms of Lord Lyndhurst, in charging the jury in the case of Rex *v.* Offord. 'It appeared, on the trial, that the prisoner Offord, laboured under a delusive notion, that the inhabitants of the town of Hadleigh, and particularly Chisnall, the deceased, whom he murdered under that delusion, were continually issuing warrants against him for the privation of his liberty and life. Several medical witnesses deposed to their belief, that the prisoner, according to the evidence which they heard, laboured under insanity, and that he committed the act while under the in-

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fluence of this disorder.' Lord Lyndhurst, in summing up, told the jury, that they must be satisfied, before they acquitted the prisoner, that he did not know, when he committed the act, *what its effect would be in reference to the crime of murder.* But the opinion of the collective judges obtained after the murder of Mr. Drummond, and when the public was under a full sense of common danger, arising from the immunities of the insane, seem to remove all possible doubt from the subject.

The question and answer which obtained and embodied this opinion, are as follow:—

'Q. What is the law respecting persons afflicted with insane delusions, respecting one or more particular subject or persons, as, for instance, when the accused knew that he was acting contrary to law, but did the act with a view, under the influence of insane delusions, of redressing or revenging some supposed grievance or injury, or under the impression of obtaining some supposed public benefit?

'A. Notwithstanding the party committed a wrong act when labouring under the idea of

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repressing a supposed grievance or injury, or under the impression of obtaining some public or private benefit, he was liable to punishment.'

It is needless to add, that this announcement of law applies *à fortiori* to a person committing an act which he knows to be contrary to law, without any such ground of excuse as the 'impression' here mentioned might seem to offer.

Such, then, is the law on the subject of criminal conduct in persons under insane delusions; but such is not the practice: witness that very case which elicited that answer of the judges, which I have just quoted from the annual Register. The adequacy of M'Naghten to comprehend the criminal nature of the homicidal act was unquestionable; yet he was acquitted on the plea of insanity, without the smallest reference to the conditions on which alone it is exculpatory, though they had been distinctly set forth as not complied with in his opening speech by the Attorney General. Chief Justice Tindal, indeed, stopped the trial of M'Naghten, on the affirmation made by numerous medical witnesses, that the defendant was insane (that

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state having been detected by them through the ordinary symptoms of the disease), but not in reference to any presumed ignorance on his part of the illegal nature of his act; and this absence of a material condition of the question the Chief Justice veiled from himself, as well as from the jury, by using in his address to the jury the ambiguous expressions of knowledge of 'right and wrong,' not 'legal and illegal,' as absent in M'Naghten's mind. The miserable vagueness of the first distinction ought to occasion its disuse by the Bar.

Now what, I may ask (for the question closely concerns us as medical witnesses), what is the source of this discrepancy between law and practice, and how may it be obviated? The source of it is placed in the very nature of our criminal code, which recognises no punishment for offences committed by the insane, and forces the courts either to visit them with the same penal infliction as would apply to the same acts committed by the sane, their derangement being ignored, or to let them pass unpunished, however partially responsible they may be. The

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source of it is, in fact, the absence of any secondary punishment for these cases, whereby the unwritten principles of justice, which forbid us to hang an insane delinquent, may be reconciled with the public safety, which occasionally may demand that he be punished.*

Neither are the claims of the insane to this mitigation of punishment answered by the opinion sometimes entertained, that monomania, when that state is predicated, may be consistent with integrity of mind on other points. Here the important remark of Lord Brougham, already once quoted by me, again applies. 'If,' says the learned Lord, 'the being or essence, which we call mind, is unsound on one subject, providing that unsoundness is always existing on that subject, it is quite erroneous to suppose such a mind really sound on any other subject.' Meanwhile, we cannot urge, that a

* This suggestion is quite consistent with the repeated recommendations of the Commissioners in Lunacy, not to confine criminal lunatics in ordinary asylums. It is, moreover, recognised by the act passed not many years ago, for the further protection of Her Majesty the Queen.

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scale of secondary punishments is involved in any insurmountable difficulties of application. Its possibility of application is proved by the fact, that it is actually carried out in France, where the attention given to this subject is infinitely meritorious. Thus, the insane, but not irresponsible infanticide, Madlle. Cornier, was punished in the French Court, by confinement and hard labour for life; greatly, I confess, to the disgust of the medical witnesses, who did not apprehend, as clearly as the court, the extent to which the human mind is susceptible of the influence of example, even in some of its most disturbed states; yet no physicians have been more successful than the French in proving, by their able management of the insane mind, that it is influenced by motives, and can be tempted or intimidated into self-restraint. On this point, I may observe, that, in the absence of an appropriate punishment, the philanthropist, who conceives *all* punishment inappropriate to the insane, may find himself disappointed in certain results. Thus, in the case of John Howison, a Scotchman, one out of a sanguinary

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group of homicidal cases quoted by Dr. Prichard,* there was undoubted evidence of insane delusion. 'He had,' says the reporter of this case, 'false perceptions; for he used to sit brushing away flies for hours together with his hand, where there were no flies, and his landlady told him so: he had struggles in the night with witches, and was in general miserably superstitious.' The case was, however, atrocious; and the intractable savageness of the man was rendered more disgusting by being associated with brutal voracity in regard to food. There was no secondary punishment under our law to which he would be amenable as insane, such as was inflicted on Madlle. Cornier in France. He was accordingly regarded as responsible, sentenced to death, and executed.†

* 'Different Forms of Insanity in Relation to Jurisprudence,' p. 111.

† The capricious action of our law in this class of cases, is exhibited in the contrast which the above case affords to that of the parricide Dadd, mentioned page 22. Both he and Howison were atrocious; both exhibited insane delusions; in both, but in a higher degree in Dadd, there was present enough of know-

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This was an exceptional case, in which the sympathies were enlisted on the side of severity; but such exceptional cases will become more frequent, if the public learn to feel that they have no other protective punishment awarded by law, than the death of the criminal, if he should happen to be a madman as well as a brute.

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ledge as to the criminal nature of their acts, to justify *some* punishment. Yet Howison was hanged, and Dadd was treated as an irresponsible agent.

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LECTURE III.

IDIOCY AND UNSOUNDNESS.

Idiocy most frequently a Civil Question; here considered principally in Relation to Criminal Acts.—Illustrations.—Unsoundness of Mind.—Examples illustrating the Distinction between it and Insanity.—Each of these States involves some Responsibility in Reference to Crime.—Desirableness of Personal Examination before the Jury in Criminal as well as in Civil Cases, both of Unsoundness and Insanity.—Judicial Remarks on a State of Abnormal Mind, which does not fall under the Head of Insanity, Idiocy, or Unsoundness.

I HAVE now to speak of that congenital, though sometimes acquired, deficiency of the intellect, which, in the first case, is properly called Idiocy; in the latter case, is understood under the term Imbecility. The diagnosis of this state, whether in its civil or its criminal relations, may in one case be most obvious and simple; in another case, may involve the deepest and most difficult questions as to the competency of self-regulation in the individual. 'It is by no means easy,' says Dr. Taylor, 'to draw a distinction between

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the better classes of imbeciles and those who are reputed sane, since the minds of sane persons differ remarkably in their capacity for receiving instruction.' It has been well observed by the same author, 'that by endeavouring to make a very close distinction of this kind, one-half of the world might reason itself into the right of confining the other half.' But the difficulties of this subject, as far as medical responsibility is concerned, involve their own cure; at least, in relieving us from the necessity of attempting to draw a rigid line. Every case must be determined alone, and on its own merits. The judgment of the medical officer has most frequently to be shown in relation to the civil question; in exerting it, he may also prevent the criminal acts which the unrestrained idiot is liable to commit. This function of the medical practitioner is the more important, in that idiocy, or imbecility, often assumes so bland and quiet an aspect, as to occasion its being allowed very dangerous latitude. There is a curious passage in Las Casas' Memoir of the Emperor Napoleon, which I will quote, as it illustrates the distinc-

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tion which we must have in view on this latter point. The emperor, in one of his conversations at St. Helena, observes, in reference to the general subject of lunacy, that there is such a thing as a '*folie innocente*,' and a '*folie terrible*'; a fatuous state, which is safe, and one which is dangerous. A fatuous person, '*un fou*,' of the first kind, the emperor describes as reasoning with the proprietor of a vineyard in which he is trespassing, thus:—'Why, here are we two; the sun sees us both, therefore I have a right to eat grapes.' The '*fou terrible*,' he proceeds, 'is he who cut off the head of a man whom he found sleeping under a hedge; then hid himself behind it, in order to witness the surprise—*embarras*—of the body on waking.' Of these half-witted persons, the former indulges a love of grapes, the latter a love of bloodshed; the process of thought in each case is that of a *deficient* understanding, which could neither prevent the one from stealing grapes, nor the other from committing violence under the influence of opportunity, but rather forwarded the crime by suggesting excuses. 'An idiot,' says Dr. Hainsdorff,

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'in the Hospital of Salzburg, appearing to be singularly insusceptible of fear, an experiment of an appalling character, and of appalling consequences, was made upon him, as a means of putting his susceptibility to the test. It was proposed to produce in him the impression, that he saw a dead man come to life. A person, accordingly, had himself laid out as a corpse, and enveloped in a shroud; and the idiot was ordered to watch over the dead body. The idiot perceiving some motion in the corpse, desired it to lie still; but the pretended corpse raising itself in spite of this admonition, the idiot seized a hatchet, which, unluckily, was within his reach, and cut off first one of the feet of the unfortunate counterfeit, and then, unmoved by his cries, cut off his head. He then calmly resumed his station by the real corpse; a strong illustration of the dangerous hypothesis of harmlessness as connected with this state of mind.'*

In regard to these frightful risks, the idiot is far less favoured by the operation of a principle which often comes into play with preventive

* Esquirol.

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effect in regard to the destructive tendencies of insane persons—namely, the antagonism of opposed motives. The struggle of affection, or of moral principle against the homicidal orgasm of *insane* persons has been successful in many cases on record. But the *idiot*, as such, seems to labour under *successive* motives or states, each engrossing him wholly for the time; a mixed motive is unusual in that character. It does not appear to me, that any examples are wanted to illustrate this succession; and, if I am correct in asserting it, I need not say, that this unity of each successive purpose must give great certainty of accomplishment to such of them as admit of sudden and rapid execution.

Such are the principal circumstances that suggest special vigilance and caution in our evidence and testimony respecting the idiotic class, properly so called; for the shock which has destroyed the mental faculties of the imbecile person—i.e. the *non-congenital* idiot—has generally so deranged his physical powers, as to render him far less capable of such mischief as I have adverted to. Acute attacks of mania may

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supervene in such cases, marked by its characteristic symptoms; but, ordinarily, I think, they undergo no such change.

UNSOUNDNESS.

I have thus considered the judicial responsibilities and evidence of that state of perverted mind which is meant by insanity, or mania, in our language; and I have made some remarks on that *deficiency* of power existing in those respects in which the insane labour under *perversion,* which is called idiocy, or imbecility. The expression, unsoundness of mind, in its primary sense, is one of great inclusiveness. I here use it as forming one of the abnormal states expressed in the medical certificate on which these remarks are built, and presumably distinguished from insanity and idiocy, both in respect to the structure of the certificate and to the exigencies of the subject.

A person, of whom neither insane delusion, nor incoherency, nor, again, idiocy, can be predicated, may be brought before a physician, as requiring precautions in reference to the manage-

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ment of his property and person. The man in question is not in his dotage,—of that state I am not speaking at present,—he talks with sufficient fluency, and without anything remarkable in the sequence of his thoughts. But, on every subject of business, his mind goes into a state of confusion, of which he is not conscious. He is unable to appreciate value, and, though fond of property, will purchase and part with it at absurd prices. He can believe anything that is told him, however improbable; and, if he takes a dislike, can invent or believe any fiction that falls in with his feelings of resentment. I may add, that his conversation being on the whole continuous and coherent, there is a nervous, flighty character in it, and often some deficiency of articulation. While I am thus presenting in intention a diagram of a state, I feel that I am virtually drawing a portrait. I shall best make myself understood by giving a few more examples of unsoundness, according to the use of the term which I suppose to be intended in the certificate. And, first, I will adduce one already alluded to in my first lecture, in which its non-

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appreciation, or tardiness of appreciation, apparently involved a long and expensive process, replete with *avoidable* contradiction and uncertainty,—that of Mrs. Cummins, in 1852.

In this case, one of the contending parties seemed to permit the question, whether the patient required coercion, or at least surveillance, to turn upon the question, whether she was or was not insane, either *eo nomine*, or under some synonym, ignoring the consideration, that, without being insane, she might still conform to one of the descriptions affirmed in the medical certificate as implying such mental disease as the law intends to be inconsistent with free agency. Now, a candid perusal of the testimony given in this case, with the fullest admission of its probable truthfulness from the respectability of the witnesses, may suggest the reasonableness of this compromise. On the one hand, there was neither false perception, nor incoherency, nor inconsecutiveness of thought, alleged of Mrs. Cummins. She saw no unreal objects; she heard no unreal voices; she indulged in no misconceptions, as to her property

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or position, which could be construed into an insane notional delusion. She could, accordingly, by no means incur the imputation of insanity. On the other hand, it was in evidence, that she had, out of a moderate property, bequeathed £2,000 to her then solicitor, who showed his unfitness for that trust by, at another time, forcibly obstructing physicians appointed by the Lord Chancellor to examine into the actual state of her mind; that she had, by her screams, attracted policemen to a house in which she was residing of her own free will, but separated from her family, as if violence had been used, no such violence having been proved; that she was in a state of constant removal from place to place, so as to prevent her family from knowing where she was; and that her solicitors were constantly being changed by her. There was excessive and unexplained, or unsatisfactorily explained, hatred of her daughters, leading to an unreasonable accusation against one of them of an attempt to strangle her. With respect to these daughters, she avowed that they had that day been drinking at the bar of the Horns

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Tavern, of which no proof was adduced; that one of them, Mrs. Ince, was a prostitute, and that her husband had murdered three children. Equally extreme and unreasonable, as well as unfounded, opinions were entertained by Mrs. Cummins respecting the conduct of her aged husband. Now, in regard to the apparently conflicting opinions of the medical witnesses as to her present state of mind, the assertions of one group of them could not be viewed as antagonising those of the other party, unless it be clearly proved that they were talking of the same thing; whereas, for anything adduced in the examinations, I am justified in supposing, that one party were contravening the opinion that Mrs. Cummins laboured under insane delusions or incoherency, while the other party were labouring to prove that she was incapable of managing her person and property, which she might be as an unsound person, in the specific sense which I attribute to this term as consistent with the probable intention of the certificate, without any evidence of insane delusions or incoherency. Thus, to advert to a remark made

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by Dr. Conolly in the course of his evidence, I might agree with him in thinking that a person believing, on the authority of a letter, that he was about to marry the Queen, is not, therefore, chargeable with any insane delusion; and yet I might consider such a belief, so accruing, a material addition in the way of cumulative evidence to any other proofs of mental unsoundness as disqualifying him for self-management. In truth, the distinction, which I am applying here, does not seem to have escaped the learned Commissioner Mr. Barlow, before whom the proceedings which I allude to took place. He remarks to the Jury, in summing up, that if they saw ground for restraint, it should be so ordered by him as to exhibit as little as possible the character of precautions against an insane person.*

In the above cases, the phenomena of unsoundness had relation principally to the civil interests of the patient, and his friends or relations. In that which I now proceed to adduce, the interests of society, as well as his own,

* Appendix, Note B.

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required that the patient should be submitted to restraint, on criminal as well as civil grounds. This person, aged twenty-one, was the son of a very respectable farmer, well grown, and in good general health. When I saw him, he exhibited in his general appearance nothing noticeable, except a coarse and sullen expression of countenance. I learnt, from his relations and a family friend, whose testimony bore strong internal evidence of truth, that he had been a singular child, with obstinate fancies—such, for instance, as refusing to be dressed in the morning without some absurd condition being granted. By five years old, he was a confirmed liar, as well as a believer in his own marvellous assertions. By fourteen, he had run away from school, and was domesticated at home, under careful, but ineffectual, surveillance. He would, I was told, at that time obtain, if he could, any article that struck his fancy, upon credit; then promptly throw it away, or give it without judgment. As an instance of defective intelligence, the following detail was quaintly given me:—'He paid a visit to his grandfather, and, during it,

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behaved remarkably well. But, then starting home on his pony, he went several miles in an opposite direction, and visited his old schoolmaster, to whom he told a false, but plausible tale, without any apparent purpose; thence to another town, equally without an object; there he did nothing but sit in an inn; then turning towards home, he was found in a lane crying, and brought back to his father's house, where he appears to have always been treated with great kindness, and no want of discretion. Of all the above freaks he gave no explanation. His conduct darkened as he became older; after turning into money other people's property as well as his own, he proceeded to forge cheques of his father, absconding with the cash. These matters having been arranged, he was sent on a voyage to Calcutta; and after having behaved well at first, dropped into a series of scrapes similar to the former. Subsequently he enlisted as a common soldier; then became a cabman, always rejoicing in the lowest company, but without indulging to excess in drink; habitually defrauding, when he could, his near

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relatives, and in his other conduct towards them equally remote from affectionateness when kindly treated, and from malignity when thwarted. No advice had, at any time, the slightest effect on him. The leading moral elements of this young man were a love of acquisition, and a love of change. His intellect was limited; and though his powers of acquiring knowledge were not obviously below par, it could by no means modify, direct, or restrain the above tendencies, in which task, it must be observed, his intellect was neither aided nor antagonised by any passion or affection. It was as obvious, that this young man's case required some one of the forms of coercion or surveillance which it is our duty, in such cases, to authorise on proof, as that it did not fall under the head of Insanity; though, with respect to the practical effects of the distinction, it is probable that this young man's obtuse quality of mind would have rendered him less capable than many others of appreciating them, as to the different degrees of coercion which they might involve.

One more variety of unsoundness of mind.

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Mrs. H., aged fifty, has for many years been subject to the conditions which I will describe. Having a husband and daughter, both of them amiable, kind, and intelligent, she quarrels with both of them irritatingly, and with entire opposition to every scheme of life proposed for herself and them. But more than this. After she has been for some time resident in the same house with them—and apparently on that very account a cloud comes over her—she takes to her bed; her appetite and digestive powers sink; and she becomes almost continually silent, and indifferent to everything. While this state lasts, every duty of life is neglected by her; she is utterly incapable of managing person or property, and yet never incoherent or inconsecutive in any remark that may be elicited from her, nor under the apparent influence of any morbid delusion. Out of this state she will emerge gradually, and in the course of weeks, into a more lively one. During this second stage, she will converse with much readiness, often very cleverly, sometimes with much ill-temper, and occasionally with the introduction of abusive

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terms and even indecent expressions, her normal character being pure and correct, her intellect vigorous but paradoxical. Out of this stage she gradually improves into her healthy state, provided her recovery is not anticipated by a reunion with her husband and daughter. In managing one of these attacks, I treated her as unsound, not insane; and, agreeably to the distinction laid down by Mr. Commissioner Barlow in Mrs. Cummins's case, I so ordered any restraint that was required, 'as to exhibit as little as possible the character of precautions against an insane person.' I was the more disposed to this view, by coming to the conclusion, that a former attack had been very much prolonged, with the best intention, by this distinction being neglected, and undue coercion applied. On this point I may, indeed, refer to the first case given by me under the head of unsoundness. The gentleman whose case I have described lives under very necessary control, through adequate certificates; still he lives apparently his own master, in a good house, entertaining there his friends, a considerable allowance being made out of his

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large income, and managed by a very respectful and confidential upper servant. In fact, he is not reminded that the law holds him to be a person of abnormal mind by such restraints, as his total freedom from insane delusion and his power of consecutive though limited thought render unnecessary.

Such is the hypothesis of mental unsoundness in its application to *civil* cases. In applying it *criminally*—that is to say, in making it express an exculpatory plea, where there is neither inconsecutiveness, nor insane delusion, nor again idiotic diminution of power, I must assume, though not without some misgivings, that the law means to take the same precautions against its abuse, viz., the confounding disease of mind with vice, as it takes in reference to insanity; that is, that Lord Lyndhurst's test above alluded to holds good here also, and to the same extent; so that unsoundness shall confer impunity, only so far as it implies ignorance of the illegal nature of the act in question. The following case will suggest some grounds for my doubt:—On the 2nd of December, 1843, Thomas Rowe, a wine-cooper,

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aged seventy-six, was discharged from the service of Mr. Thomas Waller, a wine-merchant, on the ground, that his faculties had given way, and that he did not know what he was about. On the 2nd of October, Mr. Waller received from him a letter, requesting Mr. Waller to give the applicant some other employment, or to help him to one. On the 6th, Rowe called upon Mr. Waller. Being admitted, he ineffectually sought for employment, and again urged Mr. Waller to take him into his service, either in town or in the country. Mr. Waller declines this, and asserts, that Rowe must have actually saved enough to live upon. On another request for employment, reiterated by Rowe and negatived by Waller, Rowe draws a pistol from his pocket, fires it at him and wounds him, at a distance of two or three feet. He then draws another pistol, and observes to another person, who prevents him from using it, that 'such a fellow as Mr. Waller is not fit to live'—an idea which he afterwards expressed again with equal force. Evidence was given on Rowe's trial, that latterly his faculties had much given way;

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that he frequently, in the last six months, 'had seemed not to know what he was about, and had a giddiness in his head.' The usual averments, that the defendant did not know right from wrong, were made by the medical witnesses; it was urged, that the announcement which the prisoner had recently received from his master, that he could not employ him further, had upset his mind; that when he fired, he was incapable of reasoning, from the great excitement under which he laboured, etc. Mr. Ballantine, for the Crown, contended, that 'it must not go forth to the world, that trivial acts of eccentricity and absurdity were to be held up as a subterfuge for crime; neither must it be understood, that persons upon such grounds were to receive immunity from punishment.' Mr. Justice Maule having summed up, the jury immediately acquitted the prisoner as a lunatic. This elderly person, therefore, gained his object, and was comfortably provided for for the rest of his life.

Now, I would ask, is it likely that this man would have thus escaped, assuming the facts to

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have been as described, if he had been examined in the presence of the jury? The question is an important one: it has a direct reference to all criminal cases in which a plea of lunacy in any one of its kinds is adduced. It thus opens up a topic, on which I would fain offer some remarks. There is a principle to which Great Britain adheres as tenaciously as if it were one of the unwritten laws of natural justice, the principle, namely, that the prisoner should not be made a subject of examination on his trial. That the protection involved in this principle is favourable to guilt rather than to innocency must, I fear, be admitted. 'Whatever evidence,' says Jeremy Bentham, 'a supposed delinquent may furnish against himself, is carefully prevented from coming into existence; though,' the same author observes, 'whatever the supposed delinquent is supposed to have said *out of the presence of the Judge* is heard, on his trial, with perfect readiness.' On this point, Bentham pungently adds, that 'In England, for the protection of the delinquent against legal accusation, *the faculty of mendacity with its attendant non-*

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responsion is carefully reserved as a branch of the lawful faculty of self-defence. In pursuing this system,' he observes, 'the Judge obtains the praise of humanity and patriotism at no other expense than that of the interests of truth, justice, and public security. A deluded public pays a man with its praise for betraying its own interests.' But if the principle of non-responsion is thus generally noxious, when allowed to the supposed criminal under ordinary circumstances, it becomes peculiarly subversive of the legitimate purpose of justice, when it is applied to the case of one in whose behalf the plea of insanity or mental unsoundness is set up. It is an understatement of the truth to say, that whatever grounds exist for an examination of a supposed lunatic in the presence of the judge in civil cases, exists equally with regard to the same person viewed as a delinquent; for, in the latter case, the attainment of truth is far more requisite for the protection of the public, as well as the individual, than in the former; while, again, in criminal cases of supposed lunacy, passion and feeling are peculiarly liable to shade

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the truth, unless the strongest light of evidence be thrown on it. Captain Johnson, the deliberate murderer of his ship's crew, would have been very unlikely to have escaped punishment, had it been permitted to the judge and jury to see and hear him examined in court. But if my proposal, made in a former lecture, of a scale of secondary punishment in some criminal insane cases be accepted, it must increase the expediency of a personal examination of the prisoner before the judge and jury, in order that these parties, assisted by the testimony of medical witnesses, should be enabled fully to estimate the shades of psychological distinction which must then be kept in view.

Whatever estimate may be formed of the practical working of the above suggestions, their intention at least is of a practical kind; namely, to facilitate an understanding between law and medicine in the most proteiform, the most intractable subject of investigation, which is brought before either; and, in doing this, to give full weight and value to the deductive reasoning of lawyers, while we support the claim

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of the Medical Profession to aid them in the work of decision or inquiry. I have accepted the terms which are laid down by Acts of Parliament, as expressing the conditions on which abnormal states of mind are imputable. And with respect to their meaning, while I have declined to consider them virtually synonymous, or as having the same force, I have endeavoured to adopt that which the law may be presumed to intend, and which expresses real and not verbal differences.* I would have taken a much larger basis of division, had I proposed to discuss the entire pathology of mind, and not this subject in its sole reference to law. Thus, when I was considering the appropriateness of the expressions, 'instinctive' or 'moral insanity,' as used by Dr. Prichard, I would gladly have discussed another question: Whether a state of the human mind is not conceivable, which shall be distinguished entirely from insanity, as implying no delirium; from unsoundness, as implying no incapacity for the conduct of person and property; and which shall bear the same rela-

* Appendix B.

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tion to the moral sense as idiocy bears to the intellectual sense, involving an entire absence, or imperfect development, of the former, as idiocy does of the latter ?* A complete practical division, or system, of abnormal mind, would comprehend such a head, and the distinction would involve none of the mischief which I have imputed to the doctrines of moral insanity. That mischief is contained in one short expression—impunity afforded to crime. No such impunity is implied in the hypothesis, which avowedly represents the abnormal state, as a mode of wickedness consisting in the non-development or absence of the moral sense. For, from a being thus constituted to remove the fear of punishment, would be to denude him of the sole preventive of crime afforded him by Providence. Moral rectitude, to *his* mind, can have no basis in sentiment; it will be significant of something ruled and ordered (conformably with that etymological theory of right on which Horne Tooke most unjustly based the ethical motives), and, thus operating solely on utilitarian principles, must require penal enforcement of

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some kind or other. Now, it is also to be observed, that, in allowing to this man impunity, and thus depriving him of the means of self-restraint involved in the apprehension of punishment, you must increase his liability to other preventive restraints, in a degree and to an extent far more incompatible with his comfort and his presumed rights as a citizen of the state, than is implied in any conceivable risk of punishment. You must treat him as a person of unsound understanding, in order to prevent his abusing a privilege which you ought never to have conceded to him.

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APPENDIX TO LECTURES.

PAGE 22.—(A.)

THE same kind of oversight might have operated fatally on another very valuable life, which circumstances exposed to the sanguinary tendencies of Dadd. Being a man of an agreeable and cultivated mind, he was, at one time, travelling as a companion to an invalid gentleman. Many strange acts, or modes of action, were observed in him by this gentleman, which excited his suspicions of mental unsoundness; in consequence of which they parted. It was afterwards discovered, that this gentleman probably owed his life to the destructive orgasm in Dadd being counteracted in relation to *him* by another delusion. It appeared that Dadd imagined his fellow-traveller to be a great enchanter, and, through his art, impervious and impassive to steel. He, therefore, did not attempt the life, which he considered a charmed one.

PAGE 113.—(B.)

The distinction between unsoundness and insanity, which I have here in view, may perhaps be elucidated by a reference to the division which has sometimes been

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made of the intellectual principle, into intelligence and reason. Intelligence consists (I willingly borrow from the phraseology of Coleridge),* in the power of adapting means to ends, and of varying them according to exigencies. Now intelligence exists alone, in the lower animals, in which it is called by Coleridge *instinctive* intelligence. With man in his sane state, it is never met with thus unmixed, except in the first movements of infancy. Reason, in him, is fused with intelligence; and gives to it the aid and co-operation of choice, more or less deliberate. Such, is I think, the general view forced upon us of intelligence and reason, whatever terms we may use to express the properties themselves. Now, as far as we can conceive the idea of intelligence in man existing without reason, and of reason without intelligence, the latter condition appears realised, in a great degree, in that class whom I have termed unsound, in reference to the language of law, as distinguished from the insane. The insane are morbidly situated in regard both to the property of adapting means to ends, and also to that of reasoning. The unsound may as such be possessed of the *latter* property to no inconsiderable extent; no absurdity of premises, or defectiveness of inference, may betray their morbid state; but in the power of adapting means to ends, in all that concerns the practical purposes of life, they are deficient to an extent which is presumed to unfit them for self-management. Such was, I suspect *in kind*, the melancholy condition, through a part of his life, of

* See Aids to Reflection

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the great author to whose profound reasoning I am indebted in discussing this subject.

I have been led to these remarks, not by any love of metaphysical distinctions, but by a wish to substantiate, as far as I can, a practical one. Whether the word, *unsoundness*, has or has not, in the estimation of the public and the bar, the meaning which I asssign to it, *some* word ought to have that meaning; the thing itself having a real existence, as distinguished from another thing, which, whether termed insanity, or mania, or madness, has been characterised by general *perversion*, and not by that partial *impairment* which I have described as unsoundness, in speaking of the intellectual functions.

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ON THE CONDITIONS OF MENTAL SOUNDNESS.

Soundness of Mind ought to be estimated for itself, and not merely to be contemplated as the Reverse of Unsoundness, or Disease of Mind.—It being granted that virtuous Tendencies and Habits conduce to Soundness of Mind, it is desirable to ascertain, which among these are the most essential Ingredients, and what other Properties possess this latter Character. —Self-Control; extensive Application of this Habit, conducive to Attention, and therefore to Memory; Relations of the Latter to Mental Soundness.—Regretfulness; how related to Mental Soundness; Reason given, why its evil Consequences are undervalued.—Stoical Principle in Reference to our Estimate of the comparative Importance to Happiness of the Attainment of *Ends*, and the Prosecution of *Means*.—Its Relation to Mental Soundness.—*Imagination* often erroneously fostered and encouraged by education when already in Excess, and discouraged or neglected when Deficient; its Excesses, however, are more feared by Writers on Ethics, than its Shortcomings; which Latter are indirectly promotive of Mental Unsoundness, in so far as the Play of the Imagination is, under many States, favourable to Mental Soundness—the Passion of Love considered in Relation to Mental Soundness.—Stoical Law above discussed, how related to it.—The Religious Tendency and Principle estimated in its Relation to Mental

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Soundness, particularly in its Exaggeration and Excess.—How it may happen, that the Absence of Religious Feeling, though less Favourable to Moral Excellence, may be more Favourable to Mental Soundness.—Pascal.—Subject farther pursued into its Relation to certain Calvinistic and Roman Catholic Doctrines.—Concluding Remarks.—Instances exist of Insane Predisposition, regulated and subordinated by the Patient himself, where the general Conditions of Mental Soundness have been cultivated and observed.

IN the above Lectures I have considered the aberrations of the insane and the unsound mind, in reference to the measures authorised by the laws of our country for their prevention, or for the security of persons liable to suffer from their effects. Here, as in all the heads of direct inquiry belonging to the subject of abnormal mind, I have been preceded by earnest and often skilful observers; but there is one element of inquiry which appears to me to have escaped comment somewhat singularly, considering its connection with the general subject. The aberrations of the insane having occupied many writers, no one has precisely told us, what a

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sound man is; in other words, on the strength of what criteria we are entitled to say, that a given individual possesses those attributes, and is characterised by those qualities, which tend in the highest degree to make him a responsible agent, one capable of exercising a deliberate choice, and thus unlikely to incur lunacy in any of its forms. Yet this information appears desirable. No ethical philosopher, who should pretend to exhaust the subject of vice and folly, would consider his work done, unless he, or some one else on whom he might fall back, had examined the subject of virtue and intellectual endowments, not in relation to their perturbations only, but to their presence and the actual possession of them. It would scarcely be considered a supply of this defect in the supposed case, if any one should suggest, that virtue and wisdom are recognised as being contradictories to vice and folly; so that when the latter are appreciated, the former become obvious. It would be objected to this plea, that man was not made for vice and folly, but for wisdom and virtue; and that we must, in fact, have an im-

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perfect conception of the deviations, unless we have endeavoured to appreciate the intended course. Conformably with these suggestions of analogy, I shall endeavour to fill up the vacuum which appears to exist in respect to the subject-matter of the above Lectures, by sketching some characteristics of soundness of mind.

I shall assume it to be certainly true, that good moral tendencies—that a capacity, whether natural or acquired, for reducing these tendencies into principles of action—are conducive to the formation of a sound mind. But I propose to estimate certain elements which appear more specially connected with it; inasmuch as their presence may enable us to calculate upon it even under a deficiency of those moral conditions which go by the name of virtues, and as their absence leaves the man of high moral worth incapable or little capable of exhibiting soundness of mind at moments of trial. I may be told, that these elements need not be contemplated as distinct from the moral conditions which confessedly conduce to soundness of mind —that they are a part of virtue. The sequel

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of these remarks will, I think, justify my estimating them separately for the purpose in view.

In specifying these properties, it seems expedient that I should begin with one, which is necessary indeed to the judicious use of all the rest, besides bearing a peculiar relation to my immediate subject. As in the state of actual lunacy there is no incident more invariable than a want of self-control, so it may reasonably be expected, that self-control should, in a high degree, be an endowment of those who lay claim to soundness of mind. This quality has a much wider range than is attributed to it in ordinary conception. It makes itself felt and recognised at every epoch of human life. Its agency is felt in the most subtle psychological phenomena, as well as in its more important relation to morals. Thus it can not only offer effectual resistance to volitions, but, more than this, it can suspend the influence of will. It is in this way that, in many remarkable instances, the power of self-control is known to enable its possessor to sleep at any moment at which sleep

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is desired. The remark may appear paradoxical, that this point is gained by a resolution not to think, which itself can only be carried out through a resignation of that power of the will which maintains the sequence of ideas involved in thinking. Yet such is the only hypothesis which appears applicable to the marvellous concurrence of a will to sleep, and an immediate cessation of the influence of the will over the associating processes observable in these cases. Looking farther into the subject of self-control, we find it efficient in giving completeness to the property of attention, and thereby subservient to the habit which most occasions, according to the extent of its development, a feeble or a powerful memory, and herein subservient also to a principle, the loss of which is peculiarly observable in the insane. If from the subject of soundness of mind we turn to that of unsoundness,* we often find its progress marked by a gradual escape of the reins from the hand on which this moral powerlessness is stealing; often

* It will be understood, that here the word *unsoundness* has a generic sense.

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we may trace this paralysing influence to the early stage, in which incontrollable gesticulation and soliloquy are the only evidence that mental disease is in progress.

The property which I have just described finds ample exercise in managing a remarkable one, to which I now proceed, as bearing an important relation to mental soundness. I will name it regretfulness. Our ordinary impressions in regard to this state of the mind, illustrate a very common tendency in morals to take a prominent species of any habit of mind as a representative of all the species that fall under the genus, and to give to the genus itself a good or bad name according to the impression which we entertain in regard to that prominent species. Now repentance is a species of the habit under consideration. And it certainly happens, that the virtuousness of *repentant* regrets lends a false and mischievous value to the general practice of indulging the whole class of emotions of which this is one kind. We are too apt to extend that complacent feeling, with which we contemplate him who regrets a fault, to him

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who labours under that feeble cast of character which disposes some persons to wish everything undone that has been done by them, which seems, indeed, to give a different and less advantageous colour in their eyes to every action as soon as it has been performed, however excellent it may have appeared previously to performance.

If, as I have suggested in 'The Pathology of the Human Mind,' a loss of the regulating power of the will over the trains of our thoughts is a characteristic of insanity, and if a ceaseless pondering over a painful impression tends to shake this supremacy of the will, and, finally, if, as I believe, regretfulness implies this process, it may fairly be expected, that the man of a sound mind should enjoy a freedom from this habit.

A man thoroughly imbued with the tendency to regret, must find a sort of miserable relief in the insane state, inasmuch as that intensity of anxious contemplation, which characterises the regretful, ceases when the whirl of insane associations sets in.

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It is due to the greatest moral sect in the heathen world to admit, that an element of mental soundness, which I shall now adduce, intimately connected, indeed, with the management of our regrets in the pursuits and struggles of life, has received the broadest light from their philosophy. The sect to which I allude, the Stoics, characterized it in language, which I shall borrow from Epictetus. 'If it were possible,' he thus supposes his Deity to address him, 'I would have made this body of thine, O Epictetus, free, and not liable to hindrance. But since I could not give thee this, I have given thee a certain portion of myself, the faculty of exerting the powers of pursuit and avoidance of desire and aversion. Taking care of this, and making what is thy own to consist in this, thou wilt never be restrained, never be hindered.' This hypothesis suggests, that our happiness, to be secure, must depend, in respect to external circumstances, upon pursuits and endeavours, which are at our own disposal, and not upon results; a proposition which the philosopher carefully illustrates through his whole

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work. That the condition of mind, which I have thus drily adduced, is eminently conducive to its soundness, will, I think, appear on a few glances into passing circumstances and events. We shall observe the bad man, who possesses it, far less amenable to the influence of untoward results, heightened, as they probably will be, by his own misconduct, than a virtuous man deficient in it, or who possesses it in a lower degree, amid unmerited difficulties, and that, too, although it is the tendency of virtuous conduct to make the disappointments of life less poignant. It is painful to see the indifference of the former secure to him a more even state of mind than is placed within the reach of the other, so long as it is necessary to *his* comfort, that he should command as well as deserve success. The steadiness of mind with which many a person is observed to pursue an illegal trade, unmoved by failures which, in truth, form a part of his calculation in pursuing it, is an example of practical philosophy by which many a better man might benefit by applying it to a better purpose. I may here observe, that, on the

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above principle, the virtue of benevolence may be considered as specially favourable in its exercise to mental soundness. The wishes of a selfish man, to be a source of gratification to *him*, require the achievement of some definite object; and this, of course, he cannot always secure. The wishes of the benevolent, as such, on the other hand, are accomplished sufficiently at least for a large amount of gratification, if he can satisfy his mind that he has done his best. In other words, he is so far forth, on the principle of Epictetus, secure from 'hindrance,' as his gratification depends upon the pursuit or desire, and not on the result of it. Meanwhile, in the character which I am describing, indifference to the accomplishment of projects must not be construed into indifference as to their selection, or presumed to bring with it vacillation in adopting them and carrying them out.

I shall next consider the subject of mental soundness, in relation to a property which notoriously exerts on it great influence, though few, perhaps, have carefully estimated the relations

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subsisting between the two. I allude to the property of Imagination. The dangerous consequences involved in the excesses of the imagination have often been dwelt on; nowhere more beautifully than in Dr. Johnson's life of the poet Collins. And yet the intellectual education of the English youth is conducted with very little reference to these dangers, or the means of averting them. The young man of fervid imagination is deliberately rendered more fervid by being educated in pursuit of congenial studies. The great, but mistaken, object of our highest national education is, immediate distinction in whatever faculties are congenitally powerful—not adaptation to the great after-business of human life, which, on the whole, more peremptorily requires that deficient faculties should be strengthened, than that the energetic should be intensified. Education itself is thus made an end, and not a means to an ulterior end. Thus the property in a given individual, which, being naturally energetic, requires, perhaps, a pruning-knife and corrective, is forced and encouraged into excess. But this is not

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all; neither is the error which I am noticing, on one side only. The youth of deficient imagination is even forced into the exclusive channel for which, it is argued, nature intends him, in order that he may follow his bent. But are there no elements of imagination in his mind? Or will their cultivation and enlargement be of no benefit to him in the life of business for which, it is presumed, nature intended him? This question is ignored. Yet it involves an element of serious consideration. The play of the fancy supplies, if I may say so, the friction-wheels of the logical powers. The lawyer or civil engineer who comes for medical assistance under the pressure of fatigue from business, is often he, who can find in his own mind no resource from that pressure. He cannot take from his shelf his Shakspeare or his Milton, and obtain the bland and soothing influence on his mind of a principle in it which originally, perhaps, of small dimensions, has never been enlarged by cultivation. If his physician desire him to change the scene, and travel, the power of eliciting, from what he sees and hears, a

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relief from oppressive trains of thought, cannot be exsuscitated; its machinery is at once feeble and out of gear, and so it must remain in reference to psychological appliances.*

As in the above class of cases, the well-cultivated imagination is a condition of mental soundness, nay, even can become a curative agent under mental disease, so also it may, when thus applied to the *intellectual pursuits*, be considered as exempt from all the contingent mischief to which it too easily leads, when it acts in concert with the feelings and affections. In operating upon these latter principles, its influence is put to a severer test. For the properties on which it operates have a primary tendency to be intensified by it, while its *salutary* purpose in respect to them is of another and, as I shall term it, a secondary kind. It can mitigate and soothe. A well-cultivated imagination can even throw a halo of mysterious pleasure around sorrow, frustration, and disappointment, if not combined with remorse. This effect is beautifully pointed out in the

* See Appendix C.

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well-known chorus of the 'Medea' of Euripides, where the poet claims the influence of poetry and music as more favourable and more wanted in sorrow than on festive occasions. And this effect is illustrated by *him* also, to whom the human heart was perhaps better known than to any human writer before him or since—

> 'Grief fills the room up of my absent child;
> Lies in his bed, walks up and down with me;
> Puts on his pretty looks, repeats his words;
> Remembers me of all his gracious parts;
> Stuffs out his vacant garments with his form:
> *Then have I reason to be fond of grief.*'

Thus far the imagination is playing its beneficial part in reference to a recent source of grief. We go along with such a sufferer, and afford that sympathy which is the best balm to a wounded spirit; but which, it must be observed, is contravened by either excess or undue repetition in the expressions of grief; and which, as Adam Smith beautifully argues, is denied to those who grieve over much. It appears to me, that this last rule is violated by the able and well-intentioned poem, 'In Memoriam,' of Alfred

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Tennyson; which poem is, in truth, a recipe for the prolongation of sorrow by continuous friction of the memory through the imagination, and illustrates the difficulty above noticed, in applying this power to the feelings and affections. Now *this* action of the mind is ill calculated to induce a sound and healthy state. In truth, the ill-understood culture of the imagination, the using it as a moral stimulant to the memory on the part of the otiose in easy circumstances, combined in their case with a freedom from those substantial evils, which supersede the indulgence of sentimental sorrows, are the main source of the comparative excess in these latter sufferings, too justly attributed to the upper classes. And it is thus that, after so many centuries of death, this certain event is looked at with so much intensity of feeling by nations, who affirm a distinct belief in the doctrine of immortality. This consolatory belief, which would have assuaged the manly grief of Cicero for the loss of his daughter Tullia, is possessed by us—and, alas, turned to how little purpose! With respect to the immediate fear of our

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death, this, with the other forms of personal timidity, is sometimes subversive of the equilibrium of mind, particularly when aided by a vivid imagination; and yet more when a keen sense of honour attaches ignominy to cowardice. But it is probable that *moral* courage is a more important requisite to soundness of mind, at our present stage of civilisation. The law protects and regulates the personal relations of civilised man, and to that extent dispenses with the exercise of personal courage; but it does not, and cannot, extend its protection or surveillance to those numerous cases in which moral courage is called into action.

It is somewhat remarkable, that under the actual incumbency of the insane state, but little is to be noticed of those passions and affections which have largely contributed to its causation. Fearfulness sometimes holds its place after insanity has set in; and there is a dull, confused regret of something passed and irretrievable frequently apparent. But affection, nay, even love, are in abeyance. Yet affection and love, in their anxiety, their jealousy, their suspicions,

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have much to do with the causation of insanity. And accordingly, he is most truly in possession of a sound mind, who can deal moderately in these trains of thought and emotion.

Of affection, I have necessarily spoken in my remarks on the reference of the imagination to grief. But the art of managing affection, in its joys as well as sorrows, mainly consists in a judicious adaptation of 'the power of fancy.'

The topic of love is a difficult one. It is a condition of the mind which involves an object and a pursuit. But we cannot, in relation to *this* object and pursuit, enforce the provision of Epictetus against disappointment above noticed, or affirm that happiness here consists in pursuit and not in attainment, that the means may subordinate the end. This view of it would convert the tender passion into one grand arena of trifling and flirtation. Such appears to have been the unhappy system of Dr. Swift. I cannot, however, pursue this subject farther; not, indeed, from its want of importance, but because it shrinks from direct literary disquisition. Everything *written* about love is always com-

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mon-place, except when incorporated in narrative or poetry. In the former case it becomes a novel; and in this class, no works are better calculated to place the mind in a sound condition than those of Miss Austin. Unhappily, the greater number of such publications are little better than a moral hot-bed, as far as the passion of love is concerned. But, in quitting the subject, I must touch on one phase of it, too deeply connected with soundness of mind in either sex, though principally in the female, to bear postponement or omission.

Marital unkindness is subversive of soundness of mind in the person on whom it is exercised; and exercised it is in a thousand ways in this country, without violence being had recourse to. The state of the law, as Mr. Dickens well observes and terrifically proves, is unprotective of wives. But the mischief is not unavenged; and here the case of the husband retributively commences. Many men are living in a state of continuous and exhausting remorse, under the consciousness that this system of torture is being carried on by them. For when once the habit

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is formed, they can neither shake it off, nor bear their self-consciousness under it.

'Culpam pœna premit comes.'

I need not speak of their retrospects, if they should outlive the object of their tyranny.

The mental principles which I have hitherto considered in their relation to soundness of the mind, have mainly regarded individual interests, or social interests of a temporal kind. It is needless to say, that under the supposition, which I shall assume to be a prevalent one, of a moral government of the world, they concern also our duties to the Creator. But these duties are placed under the influence of another principle deeply seated in the human mind, and likely, from the grandeur of the subject, and the absorbing nature of the interests to which it relates, to bear a very close relation to mental soundness. I will term it the Devotional, or Religious, or Theological principle. Supposing a given individual to embrace with earnestness the pursuits and inquiries, and to cultivate the

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feelings, which this principle suggests; 'What,' I may be asked, 'are the difficulties through which his course may lie?'—difficulties, indeed, which I need not allude to hypothetically; for the long catalogue of mental sorrows, as well as joys, connected with the subject, sufficiently proves their reality in kind. Now it is difficult to enter upon this subject without incurring the appearance of a wish to limit, in some degree, religious thoughts and aspirations; since, in fact, the erroneous modes of them, with which we are concerned in the present inquiry as to the preservation of mental soundness, lean to the side of exaggeration. We may justly, perhaps, regard the deficiency of devotional feelings, or of interest in religious subjects, a *sinful* condition; but we do not expect that it will tend, directly at least, to produce any form of mental aberration. Now some such state as this I am compelled to assume as saddening—indeed, sometimes involving in a deep gloom the speculations of one, whom we of the present day unite in looking back upon with strange feelings of affection and awe. I allude to the great name

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of Blaise Pascal. I can only account for the bitter anguish and prostration of spirit frequently discoverable in his 'Thoughts,' by presuming that his aspirations after belief were clouded by some difficulties, which interfered with his entire acceptance of certain propositions; while his devotional tendencies and his fears made such entire acceptance a necessity to him. He seems, at times, perfectly aware of the kind of evidence on which he has to depend, and sometimes thankfully acquiesces in it, both as to quantity and to quality; while at other times he asks for more, and of another kind—occasionally even taking liberties with his own great intellect, in bending it to an unwarranted supposition, that he has actually obtained this higher degree or kind of conviction. Thus the great philosopher could, in his religious mood, accept such reasoning as is involved in the following estimate, made by himself, of what he calls 'equal absurdities' in reference to religious belief. The passage which I allude to, in his 'Pensées,' runs thus:—'Quelles absurdités! des pécheurs purifiés sans pénitence, des justes sanc-

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tifiés sans Jésus Christ; Dieu sans pouvoir sur les volontés des hommes; une prédestination sans mystère; un Rédempteur sans certitude!' Here, by virtue of a note of admiration, the revealed mystery of the redemption assumes the same character of *à priori* certainty or intense probability as the proposition, that the Creator can dispose of the wills of the created. Once convinced of the importance to himself and others of the belief of that mystery, his mind could not rest satisfied with the evidence of testimony, on which its acceptance really depends. He could not bear that the truth should depend on any proof less strong than demonstration. 'In a mind,' says M. Villemain, speaking of Pascal,* 'from whose perceptions nothing is hid, the combat with unbelief is the greatest effort of humanity. Pascal himself seems sometimes to sink under it. He is found taking extravagant precautions against the danger; at one time we see him, with astonishment, staking as it were upon a chance the existence of a God and the immortality of the soul, and determining his

* 'Mémoire,' par M. Villemain.

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convictions by a calculation of probabilities. We are thus reminded of Rousseau, but with greater weakness and extravagance, making his hopes of eternal life dependant on the throwing of a stone.' I accept these remarks as flowing from one acquainted with the works of Pascal, not as philosophical in their application by him. The vastness of Pascal's intellect does not explain either this elaborate calculation of chances on the one hand, or the presumptuous confidence in a process of demonstration on the other. The *causa mali* lay in another department. It was the unhappy mixture of timidity with power, which really constituted the source of his mental embarrassment, and consequent sufferings. The bold, buoyant, and sunny intellect of David Hume had to deal with similar questions; and in depth and comprehensiveness, it need not shrink from a comparison with that of Pascal. I do not mean either to accept or to criticise *his* conclusions; but they, and the process through which he arrived at them, involved neither distress nor gloom, such as that lurking taint of unsoundness in one important

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element of mind diffused over the path of Pascal. The comparison in the above passage from M. Villemain, of Pascal with Rousseau, involves an entire misconception of these two men.

The difficulties experienced by Pascal in mental regulation on some religious subjects will be approached with diffidence and awe. They are placed in the scale of intellect at an immeasurable distance from those infirmities which mark the two great classes whose doctrinal exaggerations are most extensively known in the present day among ourselves; though Pascal himself was, during his life time, attributed to one of those classes. I am the more ready to direct my attention to this topic, because I believe the differences of these schools are neither local nor temporary, but are deeply seated in the constitution of the human mind. Passages from the works of their authors will best illustrate their psychological wanderings. These my reader will find, if he is so disposed, at great length in the work of Bishop Lavington, 'On the Enthusiasm of Calvinists and Papists.' 'Let them come ever so late, ever so early,' says Romaine in one

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of his Sermons, speaking of sinners, 'the arms of his mercy are open to receive them. If you see nothing but sin in yourself, yet go to him. His blood cleanseth from all sin. Implore his mercy, and see whether he will cast you out. Be not discouraged by looking into yourselves. You may be deformed enough, but remember he is altogether lovely. And by faith you will know that his loveliness is yours. He will wash you clean from every stain in his most precious blood, and will present you to his Father in spotless purity. Be ye ever so defiled with uncleanness; have lust and drunkenness polluted the body; or the love of the world, or of the things of the world, still more polluted the soul, yet the fountain is open; go, wash and be clean.' The scoffer sees unmitigated absurdity in a portion at least of this language. The man of a sound mind, who has contemplated the subject, not through the haze of textual interpretation, but as a whole, bears in mind the emphatic question of St. James, 'What doth it profit, my brethren, though a man say he hath faith and hath not works; can faith save him?' But such

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views as the above are a fearful trial of mental soundness. It is my object to indicate this fact, as one to which he who deals with the topic should have regard.

We have, in the above quoted passage from Romaine's Sermons, a frenzied estimate of the results of *faith*. Let us now look to the antagonistic school for an enumeration of *works* to be done, or to be endured, with a view to salvation, or, more properly, to an exalted position in Paradise. M. Magdalen, of Pazzi, since a canonized saint, desires and entreats her Saviour to grant her such a suffering as is pure gall, the bottom of the cup mixed with wormwood, myrrh, and vinegar, which he drank on the cross, without the least consolation either from heaven or earth. 'I am not forward,' she says, 'to go to Paradise, for that is not a place of suffering but delight; this,' namely, suffering, 'is wanting in the state of the blest.'*

The above are contrasted instances out of the annals of Calvinism and Popery; the intrinsic

* Bishop Lavington's Enthusiasm of Calvinists and Papists, page 26.

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foulness of sin underrated by the one, in exclusive contemplation of a saving faith; the capacity for intense bodily endurance and ascetic observances receiving an equally undue value from the other in *her* estimate of a Christian's grounds for hope or fear. With respect to the right of these two modes of extravagance to be considered as dangerous to mental soundness, I find it difficult to adduce arguments that will not fall short of the effect of the bare transcript which I have given from a sermon by Dr. Romaine, and from Bishop Lavington's work on 'The Enthusiasm of Papists and Methodists as compared together.' If my reader still doubt, let him look further into these and similar volumes; and let it be remembered, that the designations here adverted to suggest no arbitrary or casual distinction, but one arising out of the nature of the subject, and, therefore, requiring the greater vigilance. From the authors to whom I have referred, ample illustration may also be obtained of another phase of the subject of enthusiasm, namely, its convertibility from religious into sensual trains of thought.

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It has been already observed, that the character which the above cautions and suggestions would tend to produce as being that of a sound-minded man, must, if I am right, be possessed of many elements of moral excellence. Indeed, that the good and virtuous man will be more likely than the bad man to possess these elements of character, may easily be assumed. Still, it may be useful to recognise those conditions of the mind which may interfere with this union. Thus one, whom the consent of mankind will justly recognise as virtuous and religious, may know neither how to obtain the pleasures and advantages, nor how to avoid the pains and penalties of the imagination. His ends, or the objects of his pursuit in life, may be well selected; but he may be too much wrapped up in their accomplishment, and forgetful of the fact, that the best endeavours he can make towards that accomplishment constitute all, that he can justly estimate as in his power, and so far forth out of the reach of disappointment and hindrance. He may, in contemplating the subject of death, be indisposed to turn a belief

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in a future state into a source of comfort under the loss of persons dear to him, or to regard his own death without an admixture of fear incompatible with mental safety. In all these points, neither his morality nor his religion may avail to guarantee him, so far as any guarantee can be given by human character, against mental disease. Meanwhile, in offering him the auxiliary considerations here put forth, I would anxiously protest against the supposition, that the person who conforms with my idea of mental soundness, obtains a relative security against mental disease, otherwise than as he, who takes sanitary or hygienic precautions against tubercular diseases, may indulge hopes not to die of phthisis. There is doubtless an immaterial as well as a material condition, involving predisposition or freedom from predisposition, in mental as in all other disease; and the question remains at present among the arcana of nature, how far these states may be viewed as congenital only, or may be evolved after birth. There are, however, instances on record, in which the influence of the character,

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which I have very imperfectly endeavoured to describe, has apparently been felt even under the pressure of lunacy, enabling the sufferer to establish a kind of surveillance over himself, and to be, in some degree, the impartial spectator of his own condition; and, I believe, that a state of previous mental regulation can afford much aid to medical and moral measures in promoting recovery. Few may deserve, in its fullest extent, the pathetic compliment paid by Sir James M'Intosh* to his friend Robert Hall, on the power with which Hall was endowed of contemplating and reasoning upon the phenomena of his own disordered state of mind. That there are not, however, wanting instances of this high power in a lower degree, no one, who has looked with attention to the pathology of the human mind, can have any doubt.

* M'Intosh recommends to Robert Hall literary activity as promotive of mental soundness. The recommendation is excellent; it being assumed, in its application, that the subject of it is appropriately endowed; a literary task, for instance, undertaken in early life, and so kept open, that the pursuit may become the attraction, and the object be just so far recognised as to prevent vacillation and uncertainty.

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My reader will, I trust, remember that it is the intention of the preceding remarks, not to describe the intellectual and moral conditions, the passions, the vices, or the distorted virtues which, united with certain unknown physical and psychical conditions, constitute a state of Lunacy, but to exhibit those habits of mind which most powerfully contribute to render man a bad recipient of the morbid poison contained in these physical and psychical conditions. This is the practical relation in which I have endeavoured to estimate soundness of mind. Perhaps the best idea which I can sketch out of the state of mind thus enforced is, that while every other property, or group of properties, *may* afford fuel to the morbid state, this must, as far as it goes, and in proportion as it is cultivated, furnish an antidote and preventive. I conclude with expressing my regret, that a subject of immeasurable importance assumes so small dimensions in my mode of treating it.

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APPENDIX

TO

CONDITIONS OF MENTAL SOUNDNESS.

PAGE 132.—(C.)

THE remarks in the text apply to education in reference to the Imaginative faculty. But there is another point of view from which this subject may be contemplated, so closely connected with mental soundness that it ought also to have found a place in the text. I will briefly consider it here.

Every one in early life has aptitudes, more or less individualised, for the acquirement of knowledge and the cultivation of his reasoning powers. Some exhibit a very early adaptation for the pursuit of analytical and deductive methods, often self-suggested. They will create knowledge for themselves. With others, to suit the quality of their intellects, and, perhaps, the existing amount of their curiosity, early instruction must be mainly dogmatic. They are in a passive state; they are ready to accept the facts and also the conclusions of their instructor; they will follow him; but they will not go along with him, much less precede him in this line. Meanwhile, there is a power awake, or easily awakened in their minds, which is susceptible of very high cultivation, at this very period at which their nobler faculties are indisposed to exert themselves. This power is memory, in the most strict sense of that word; before its result can be in part attributable to knowledge coexistent. In after life, indeed, the energies of memory have to be roused by interest in the subject on which the memory is to be employed; in early life it is almost an instinct, easily put in action, and compatible with a very passive state of the understanding. Yet are its subsequent advantages incalculable if thus early cultivated. Unphilosophical as this

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form of memory has been deemed by those, who desire that the knowledge of things should invariably precede that of words,* and unphilosophical as *it is* in comparison with the more scientific memory, it conspires with the latter in after life towards effecting great intellectual achievements. Few very great thinkers have been without it: in our age, Porson was perhaps its greatest instance. As minds of that class on which I am particularly dwelling, ripen, and attain the requisite conditions, the great acquisitive instrument, the inductive power, will be in its turn developed; and this in many cases has occurred with unexpected strength, if no exhaustive stimulants have been prematurely applied. Now, to *assume* that *all* may be similarly, and at the same age of mental life, indoctrinated into the use of this power—that minds of the class which I am concerned with, are competent or adapted to pursue a process of investigatory acquirement, or even to be taught to pursue it, and to substitute in minds of this class, at an early stage, inquiry for passive recipiency or belief, is calculated to hurry, to bewilder, and to confuse. I have indeed had occasion to observe the seeds of intellectual disorder sown by this dangerous anticipation of an undeveloped element of the mind.

This subject, I am aware, should be tenderly dealt with. The systems of the present day, in which my caution may seem to apply, have been brought into action by a most extreme tendency in the opposite direction of previous systems. These had been hardened, by the concurrent indolence of teachers, into a state which was totally unfitted for active and energetic intellects; and which offered to minds of the more passive kind no outlet into philosophical thought, when the period for such thought might have arrived with *them* also. At these systems Pestalozzi and De Fellenberg have struck a vital blow.

* "Point ou très peu de livres; l'enfant est son livre à lui même, il agit au lieu de lire."—*Esprit de la Méthode de Pestalozzi, par M. Jullien.*

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